

LAWS
OF THE
Territory of Hawaii
PASSED BY THE
LEGISLATURE
AT ITS
REGULAR SESSION
1907

PUBLISHED BY AUTHORITY

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LAWS OF THE TERRITORY OF HAWAII

ACT 1

AN ACT

MAKING SPECIAL APPROPRIATION FOR THE PURPOSE OF DEFRAISING THE EXPENSES OF SUCH SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES AS MAY VISIT THE TERRITORY OF HAWAII, AS GUESTS OF THE TERRITORY, DURING THE YEAR A. D. 1907.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of Fifteen Thousand Dollars (\$15,000.00) from the Public Treasury for the purpose of and towards defraying the expenses of such Senators and members of the House of Representatives of the United States as may visit this Territory during the year A. D. 1907, as guests of the Territory.

SECTION 2. Appropriations made under this Act shall be under the control of and expended by the Secretary of the Territory of Hawaii.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 26th day of February, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 2

AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE SESSION OF THE HOUSE OF REPRESENTATIVES, TERRITORY OF HAWAII OF THE YEAR 1907 FROM THE PUBLIC TREASURY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of Thirty Thousand Dollars from the Public Treasury for the purpose of defraying the expenses of the Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1907.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 3**AN ACT**

TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1907.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of Twenty Thousand Dollars (\$20,000.00) from the Public Treasury for the purpose of defraying the expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the year 1907.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 2nd day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 4**AN ACT**

TO AMEND SECTION 379 OF CHAPTER 28 OF THE REVISED LAWS OF HAWAII, AS AMENDED BY ACT 65 OF THE SESSION LAWS OF THE TERRITORY OF HAWAII PASSED BY THE LEGISLATURE AT ITS REGULAR SESSION OF 1905, RELATING TO THE BOARD OF AGRICULTURE AND FORESTRY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 379 of the Revised Laws of Hawaii, as amended by Act 65 of the Session Laws of the Territory of Hawaii passed by the Legislature at its regular session of 1905, is hereby amended so as to read as follows:

“Section 379. The Governor may, with the approval of a majority of the Board, after a hearing or hearings as hereinafter provided, from time to time set apart any Government land or lands whether under lease or not, as forest reservations, provided, however, that on lands under lease the reservation shall not take effect until the expiration of the existing lease, or in any way affect the rights acquired under the lease. Any land or lands while so set apart shall not be leased or sold by the Government or used in any way for any purposes inconsistent with this Act; provided, however, that the Governor may from time to time, with the approval of the Commissioner of Public Lands, after a hearing or hearings as hereinafter provided, revoke, modify or suspend any and all the orders and proclamations or any part thereof, which set apart such lands.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 5.**AN ACT****TO ENCOURAGE DIVERSIFIED INDUSTRIES.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. For five years from and after January 1, 1908, all property solely and actually used in the production of grapes for the manufacture of wine for commercial purposes shall be exempt from property taxes, but such exemption shall be allowed only to any person, firm or corporation in respect of land in actual vine cultivation, not exceeding twenty acres in the case of any one holding, or to the extent of twenty acres where any holding exceeds twenty acres.

In order to secure such exemption the land in respect whereof such exemption is claimed, must be fenced and actually under cultivation prior to the first day of January of the year in which such exemption is claimed.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 11th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 6.

AN ACT

TO AMEND SECTION 27 OF THE REVISED LAWS OF HAWAII, RELATING TO ELECTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 27 of the Revised Laws of Hawaii be amended so as to read as follows:—

“Section 27. Such proclamation shall be published in the Hawaiian and English languages in one or more newspapers and copies of so much of such election proclamation as relates to the respective districts shall be posted in not less than three public and frequented places in each precinct where such election is to be held.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 11th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 7.

AN ACT

TO AMEND SECTION 2944 OF THE REVISED LAWS OF HAWAII, RELATING TO THE CRIME OF BURGLARY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2944 of the Revised Laws of Hawaii,

relating to the crime of burglary, is amended so as to read as follows:

“Section 2944. Defined. Whoever by night or day breaks and enters the dwelling-house, room, building, store, mill, warehouse, out house or vessel of another, with intent to commit larceny in either the first or second degree, or any felony, therein, is guilty of burglary.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 8.

AN ACT

TO AMEND ACT 39 OF THE SESSION LAWS OF 1905 ENTITLED:
“AN ACT CREATING COUNTIES WITHIN THE TERRITORY OF
HAWAII AND PROVIDING FOR THE GOVERNMENT THEREOF.”

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 66, Chapter 14 of Act 39 of the Session Laws of 1905 entitled: “An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof” is hereby amended so as to read as follows:

“Section 66. The Board shall hold regular meetings for the transaction of public business beginning on the first Wednesday

of each month and continue in Session for as many days as the transaction of such business may require, and it shall call such special meetings as may be necessary for the public welfare."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 13th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 9.

AN ACT

**MAKING ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT-
AL USE OF THE TERRITORY OF HAWAII.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following additional sums, amounting to Fifty-six Thousand, Eight Hundred and Sixty-one Dollars and Forty-two cents (\$56,861.42) are hereby appropriated to be paid out of all monies in the Treasury of the Territory received from all current receipts of the General Revenue for the Current Expenses of the Departments and the pay of employees for the period commencing with the first day of July 1905 and ending with the thirtieth day of June 1907:

CURRENT EXPENSES

DEPARTMENTAL USE

Department of Public Works.

Maintenance, Repairs and Additions

| | | |
|--|-------------|-------------|
| to Public Property | \$ 2,000.00 | |
| Landing & Wharves, General | 6,000.00 | |
| Repairs and Maintenance of Sewers and Pumping Stations | 1,000.00 | |
| Expenses Pilot Boats, Kahului..... | 700.00 | |
| Purchase of U. S. Flags | 1,000.00 | |
| Running Expenses Laundries | 800.00 | |
| Water Works other than Honolulu and Hilo | 1,500.00 | |
| Completion of Wailuku Jail and Fire Department Building, and refund- ing the County for amounts expend- ed by it in construction of such building .. | 1,000.00 | |
| Jail Fence and Outhouse, Wailuku Jail | 750.00 | |
| Bureau of Agriculture and Forestry Incidentals .. | 1,500.00 | \$16,250.00 |

Finance Department.

Treasurer's Office.

| | |
|---|-------------|
| Incidentals .. | \$ 1,000.00 |
| Refunding Filing Fees of Corpora- tions .. | 1,300.00 |
| Refunding Doctors' Licenses | 340.00 |

| | | |
|--|-------------|-------------|
| Refunding Hoffschlaeger & Co. (Assignee of John W. K. Hose) | 96.20 | |
| Refunding A. J. Campbell for complying with decision of Supreme Court in re Seattle Brewing & Malting Co. | 822.00 | |
| Bureau of Taxes. | | |
| Incidentals, Tax Offices, Kauai | 150.00 | |
| Salaries and Commissions of Deputy Tax Collectors and Assessors, Maui | 4,000.00 | |
| Salaries and Commissions of Deputy Tax Collectors and Assessors, Hawaii | 2,500.00 | \$10,208.20 |
| <hr/> | | |
| <i>Board of Health.</i> | | |
| Care of Lepers | \$ 3,680.00 | |
| Quarantine, Fumigation, Medical Supplies, Medical Services, Suppression of Contagious Diseases and Apparatus | 5,500.00 | |
| Specific Damages Caused by Fumigation in re Plague: | | |
| K. Masaki | \$74.66 | |
| Wing On Chong | 19.61 | |
| Sam Hop | 3.98 | |
| Lam Yin | 6.09 | |
| Kwong Fook Hing | 4.04 | |
| Hang Kee | 34.84 | 143.22 |
| <hr/> | | |
| Ambulance Expense Honolulu | 350.00 | \$ 9,673.22 |
| <hr/> | | |

Board of Education.

| | | |
|-------------------------------------|-------------|-------------|
| Unpaid Rents and Incidentals | \$ 5,130.00 | |
| Repairs to Buildings, General | 1,500.00 | \$ 6,630.00 |

Judiciary Department.

| | | |
|--|-------------|-------------|
| Expenses of Third Circuit Court (Kona) | \$ 3,000.00 | |
| Expenses of Fourth Circuit Court, (Hilo) | 1,000.00 | |
| Expenses of Fifth Circuit Court (Kauai) | 2,000.00 | \$ 6,000.00 |

Survey Department.

| | | |
|------------------------------|-------------|-------------|
| Expenses of Field Work | \$ 4,800.00 | \$ 4,800.00 |
|------------------------------|-------------|-------------|

Public Land Department.

| | | |
|-------------------------------------|-------------|-------------|
| Incidentals, General Expenses | \$ 1,800.00 | \$ 1,800.00 |
|-------------------------------------|-------------|-------------|

Court of Land Registration.

| | | |
|------------------|-------------|-------------|
| Expenses | \$ 1,500.00 | \$ 1,500.00 |
| Total | | \$56,861.42 |

SECTION 2. All of the foregoing items set forth in Section 1, which refer to "Current Expenses, of Department Use," shall be subject to the provisions of Sections 2, 3, 4 and 5 of Act 8 of the Extra Session of 1905.

SECTION 3. All of the foregoing items set forth in Section 1, which refer to "Salaries and Pay of Employees," shall be sub

ject to the provisions of Sections 2, 3 and 4 of Act 7 of the Extra Session of 1905.

SECTION 4. This Act shall take effect on the day of its approval.

Approved this 13th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 10.

AN ACT

TO AMEND ACT 53 OF THE SESSION LAWS OF 1905 ENTITLED:

“AN ACT TO PROVIDE ONE FIRE DEPARTMENT FOR THE TOWNS OF WAILUKU AND KAHULUI, ONE FOR THE TOWN OF LAHAINA, AND ONE FOR ANY OTHER TOWN IN THE TERRITORY WHERE SUCH DEPARTMENT IS PROPERLY ORGANIZED UNDER THE PROVISIONS OF THIS ACT.”

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1, Act 53 of the Session Laws of 1905 is hereby amended so as to read as follows:

“Section 1. There shall be one Fire Department for the towns of Wailuku and Kahului, one for the town of Lahaina, Island of Maui, and one for any other town in the Territory where such Department is properly organized under the provisions of this Act, each of which shall consist of a Chief Engineer, not over two assistants, and as many firemen as may be approved by the Board of Representatives of the Department duly chosen as by its by-laws provided. Each of such Fire

Departments shall be under the general authority and control of the Board of Supervisors of the county wherein such Fire Department is organized."

SECTION 2. That wherever in Act 53 Session Laws of 1905 the words "Superintendent of Public Works" and "Legislature" appear, the same shall and hereby are declared to mean and refer to "the Board of Supervisors."

SECTION 3. This Act shall take effect from and after the date of its approval.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 14th day of March, A. D. 1907.

E. F. BISHOP,
President of the Senate.
WILLIAM SAVIDGE,
Clerk of the Senate.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 15th day of March, A. D. 1907.

H. L. HOLSTEIN,
Speaker.
JOHN H. WISE,
Clerk.

ACT 11.

AN ACT

TO AMEND SECTION 122 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 122 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 122. Eight hours of actual service on any working day, except on Saturday, on which day only five hours of actual service shall constitute a day’s labor for all mechanics, laborers, clerks and other employees employed upon any public work or in any public office of this Territory, or any political sub-division thereof, whether the work is done by contract or otherwise.”

SECTION 2. This Act shall take effect from the date of its approval.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third’s vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 15th day of March, A. D., 1907.

H. L. HOLSTEIN,
Speaker.

JOHN H. WISE,
Clerk.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by

ayes and noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 15th day of March, A. D. 1907.

E. F. BISHOP,

President of the Senate.

WILLIAM SAVIDGE,

Clerk of the Senate.

ACT 12.

AN ACT

TO AMEND SECTION 1824 OF THE REVISED LAWS OF HAWAII
RELATING TO INDEMNITY BOND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1824 of the Revised Laws of Hawaii is amended so as to read as follows:

“Section 1824. The high sheriff, any sheriff, deputy sheriff, or other police officer may decline to levy upon or sell the alleged property of any person against whose goods and effects an execution or other similar writ may issue, unless the party beneficially interested in such writ shall, upon request, tender to such officer a sufficient bond of indemnity against all costs and expenses which he may sustain in consequence of seizure or sale of the property, and the claims of third parties.”

SECTION 2. This Act shall take effect and be in force from and after the date of its approval.

Approved 18th day of March, A. D. 1907.

G. R. CARTER,

Governor of the Territory of Hawaii.

ACT 13.**AN ACT**

**TO AMEND SECTIONS 1412 AND 1418 OF THE REVISED LAWS
OF HAWAII.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1412 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 1412. Fees to Carry Freight; Drive. The annual fee for a license to carry freight or baggage for hire or compensation on any dray, cart, wagon or other vehicle other than a hand cart, shall be two and a half dollars for each vehicle so used.

The annual fee for a license to drive any licensed vehicle shall be one dollar and such license shall permit the licensee to drive any vehicle licensed under this section.”

SECTION 2. Section 1418 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 1418. Penalties. Any person who shall convey any passenger or freight for hire in any unlicensed vehicle in the Territory of Hawaii, or who shall allow an unlicensed vehicle owned by him to be used for such purpose, or who having a license shall use any vehicle, harness or animal which is not in good and serviceable condition, or who shall drive a licensed vehicle without a driver's license, or who shall violate or fail to observe any of the requirements of this Chapter or of the rules made by the Treasurer under this Chapter shall be fined not more than twenty five dollars for each such violation and the license of any such licensed vehicle or driver may, in the discretion of the court, be cancelled.”

SECTION 3. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 4. This Act shall take effect July 1st, 1907.

Approved this 18th day of March A. D., 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 14.

AN ACT

**TO AMEND SECTION 1369 OF THE REVISED LAWS RELATING TO
BUTCHER AND BEEF LICENSES.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1369 of the Revised Laws is amended to read as follows:

“Section 1369. Fee to Sell. The annual fee for a license to sell beef, other than salted, corned or dried beef, in each taxation district, shall be ten dollars.”

SECTION 2. This Act shall take effect on and after the date of its approval.

Approved this 18th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 15.**AN ACT**

**TO AMEND ACT 93 OF THE SESSION LAWS OF 1905, ENTITLED
"AN ACT RELATING TO FUNDS FOR THE PAYMENT OF THE
EXPENSES OF THE SEVERAL COUNTIES."**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The first paragraph of Section 1 of Act 93 of the Session Laws of the Territory of Hawaii, 1905, entitled "An Act Relating to Funds for the Payment of the Expenses of the several Counties," is hereby amended so as to read as follows:

"Section 1. Fifty per centum of the total amount of poll and school taxes and taxes on property and incomes, collected in each County, shall be paid by the Treasurer of the Territory of Hawaii to the Treasurer of such County; and for the purposes of the division and payment hereby provided for, the amount of taxes on income of corporations collected in a county other than that wherein the principal property of such corporation is situated, shall be regarded as having been collected in the county in which its property is so situated. The payments herein provided for to be made in the following manner."

SECTION 2. All laws or parts of laws, so far as the same may be inconsistent with this Act, are hereby repealed.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 18th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 16.

AN ACT

RELATING TO THE DISPOSITION OF HAWAIIAN STATUTES AND
SUPREME COURT REPORTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. In addition to the copies of Hawaiian statutes and Supreme Court Reports that may be disposed of as heretofore by sale, exchange or presentation to public officers for official use, copies to the number of not more than twenty-five of each volume may be presented to libraries of educational, historical or scientific institutions or other libraries of a public or quasi-public nature in this Territory and elsewhere.

SECTION 2. This Act shall take effect on its approval.

Approved this 18th day of March A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 17.

AN ACT

RELATING TO REPORTS OF CIRCUIT AND DISTRICT COURTS,
AMENDING SECTIONS 1658 AND 1679 OF THE REVISED
LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1658 of the Revised Laws is hereby amended so as to read as follows:

"Section 1658. It shall be the duty of the first judge of the first circuit and of the several judges of the other circuits during the month of January of each year to report to the chief justice the amount and kind of official business done in their courts and in chambers in their circuits respectively during the preceding year, the number of persons prosecuted, the crimes and misdemeanors for which such prosecutions were had, the results thereof and the nationality of the persons convicted as well as the number, kind and results of civil proceedings had in their respective circuits, and such other matters and things as shall be required by the chief justice and in such form as shall be required by him."

SECTION 2. Section 1679 of the Revised Laws is hereby amended so as to read as follows:

"Section 1679. It shall be the duty of each district magistrate during the month of January of each year to report to the chief justice the amount and kind of official business done in his court during the preceding year, the number of persons prosecuted, the crimes and misdemeanors for which such prosecutions were had, the results thereof and the nationality of the persons convicted, as well as the number, kind and results of civil proceedings had in their respective courts, and such other matters and things as shall be required by the chief justice and in such form as shall be required by him."

SECTION 3. This Act shall take effect upon its approval.
Approved this 20th day of March A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 18.**AN ACT**

TO AMEND SECTION 2884 OF THE REVISED LAWS OF HAWAII, 1905, REGULATING THE REMOVAL OF SUSPENSION OF SENTENCE OF ANY PERSON CONVICTED OF A CRIME OR MISDEMEANOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 2884 of the Revised Laws of Hawaii for the year 1905 be amended so as to read as follows:

“Section 2884. REMOVAL OF SUSPENSION. At any time within thirteen months after the date of conviction of any person in respect of whom sentence has been suspended, the court or magistrate having jurisdiction of the case, shall, upon request of the attorney general, or his deputy, or other duly qualified officer, upon good cause being shown therefor, issue a summons citing such person to appear at the time and place in such summons stated, and show cause, if any there be, why sentence should not be pronounced. Should the person so cited fail to appear before the magistrate or court at the time and place named, the court or magistrate, if in his judgment cause exists therefor, shall issue a warrant for the arrest of such person.

When such person shall so appear or be produced before the court in accordance with the terms of such summons or warrant, the court or magistrate may proceed to impose sentence according to law. Such sentence shall thereupon be duly recorded and certified to the high sheriff or his deputy in the order for imprisonment or other punishment, as the case may be.

If in any case in which sentence has been suspended in accordance with the provisions of this chapter, sentence is not imposed within thirteen months from the date of conviction,

the person so convicted shall not thereafter be liable to sentence on such conviction."

SECTION 2. This Act shall take effect and be in force from and after its approval.

Approved this 22nd day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 19.

AN ACT

**TO AMEND SECTION 65 OF THE REVISED LAWS OF HAWAII,
RELATING TO ELECTIONS.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 65 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 65. The inspectors shall cause to be provided within the polling apartment not less than three voting shelves or compartments at or in which voters may conveniently mark their ballots.

Such shelves shall be so arranged that in marking ballots thereon the voters may be screened from the observation of others.

A guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot boxes and of such voting shelves or compartments.

The arrangements shall be such that neither the ballot boxes nor the voting shelves or compartments shall be hidden from the view of those just outside the said guard rail.

No person other than the election officers, and voters in the act of preparing their votes, or voting, shall be admitted within said rail, except by authority of the inspectors for the purpose of keeping order and enforcing the law.

Each voting shelf or compartment shall be kept provided with conveniences for marking the ballots."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 22nd day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 20.

AN ACT

TO AMEND SUBDIVISION 3 OF SECTION 9, CHAPTER 4 OF ACT
39 OF THE SESSION LAWS OF 1905.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Subdivision 3 of Section 9, Chapter 4, of Act 39 of the Session Laws of 1905, is hereby amended by striking out the following clauses at the end of said subdivision, to wit: "but no new street, highway, road or bridge shall be constructed without the location, grade and method of and material to be

used in the construction of the same shall first be approved by the Superintendent of Public Works."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 21.

AN ACT

FOR THE PREVENTION OF CRUELTY TO CHILDREN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Any person who shall willfully abandon or injure in health or limb any child under his legal control or shall neglect to provide such child with suitable or necessary food or clothing or shall cruelly or unreasonably strike, beat, flog or chastise any such child shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding Two Hundred Dollars (\$200) or imprisoned for a term not exceeding six (6) months.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23d day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 22.**AN ACT**

**TO REPEAL SECTION 1406 OF THE REVISED LAWS OF HAWAII,
RELATING TO THE SALE OF SALMON.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 1406 of the Revised Laws of Hawaii be and the same is hereby repealed.

SECTION 2. This Act shall take effect from and after the 1st day of July, A. D. 1907.

Approved this 25th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 23.**AN ACT**

**TO AMEND SECTION 1409 OF THE REVISED LAWS OF HAWAII,
RELATING TO LICENSES OF TOBACCO, CIGARS AND CIGAR-
ETTES.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1409 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 1409. FEE. The annual fee for a license to sell tobacco, leaf tobacco, cigars or cigarettes, shall be Ten Dollars.

A grower of tobacco shall not be required to pay and shall

be exempt from paying the said annual fee of Ten Dollars for the sale by him of tobacco or leaf tobacco grown or produced by him or received by him as rent from tenants who have produced the same on his lands. Provided, that nothing in this Section shall be construed to exempt any grower of tobacco from the annual fee of Ten Dollars who by peddling, or otherwise, sells tobacco, or leaf tobacco, at retail directly to consumers."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 25th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 24.

AN ACT

**TO ESTABLISH THE COLLEGE OF AGRICULTURE AND MECHANIC
ARTS OF THE TERRITORY OF HAWAII, AND TO PROVIDE FOR
THE GOVERNMENT AND SUPPORT THEREOF.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Governor shall nominate and by and with the advice and consent of the Senate shall appoint five persons who shall constitute the Board of Regents of the College of Agriculture and Mechanic Arts of the Territory of Hawaii, which is hereby established.

SECTION 2. The persons appointed in accordance with Section 1 of this Act shall be residents of the Territory of Hawaii

and not less than 25 years of age. One member of the Board of Regents shall be appointed for the term of one year, two for two years and two for three years and their successors shall thereafter be appointed for the term of four years.

SECTION 3. The Board of Regents shall have the general management and control of the affairs of the College. They shall have power to purchase or otherwise acquire lands, buildings, appliances and other property for the purposes of the College and expend such sums of money as may be from time to time placed at the disposal of the College from whatever source. All lands, buildings, appliances and other property so purchased or acquired shall be and remain the property of the Territory of Hawaii to be used in perpetuity for the benefit of the College.

SECTION 4. The purposes of the College are to give thorough instruction in agriculture, mechanic arts and the natural sciences connected therewith, and such instruction in other branches of advanced learning as the Board of Regents may from time to time prescribe and to give such military instruction as the Federal Government may require. The standard of instruction in each course shall be equal to that given and required by similar colleges on the mainland and upon the successful completion of the prescribed course the Board of Regents are authorized to confer a corresponding degree upon all students who shall become entitled thereto.

SECTION 5. No person shall, because of age, sex, color or nationality, be deprived of the privileges of this institution.

SECTION 6. The Faculty of the College shall be under the direction of a President who shall be appointed by the Board of Regents. The members of the Faculty shall be likewise appointed.

SECTION 7. The official name of the Board of Regents shall be Board of Regents, College of Hawaii, and the Board shall

adopt and use a common seal by which all official acts shall be authenticated.

SECTION 8. The Board of Regents shall have the authority to sue in its official name and shall be subject to be sued only in the manner provided for suits against the Territory of Hawaii.

SECTION 9. The Treasurer of the Territory is hereby authorized to pay from time to time to the Board of Regents upon their receipted vouchers such sums as may be available. The Board of Regents shall cause to be kept suitable books of account and shall submit to each session of the Legislature a statement showing the total receipts and expenditures.

SECTION 10. This Act shall take effect from and after the date of approval.

Approved this 25th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 25.

AN ACT

**TO AMEND SECTION 1352 OF THE REVISED LAWS, RELATING
TO FEES FOR BANKING LICENSES.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 1352 of the Revised Laws be and the same is hereby amended to read as follows:

“Section 1352. FEES. The annual fee for a banking license for a business in Honolulu shall be seven hundred and fifty

dollars; in Hilo, five hundred dollars; and in all other places, two hundred and fifty dollars."

SECTION 2. This Act shall take effect from the first day of July, 1907.

Approved this 25th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 26.

AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF PURCHASING
FURNITURE FOR THE HILO HIGH SCHOOL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three thousand dollars is hereby appropriated out of all moneys in the Treasury for the purchase of furniture for the Hilo High School.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 25th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 27.**AN ACT**

TO AMEND SECTION 1 OF ACT 84, SESSION LAWS OF 1905 RELATING TO ATTACHMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 84 of the Session Laws of 1905 is amended so as to read as follows:

“Section 1. This Act shall apply to Circuit and District Courts. A judge of any court of record may make any order at Chambers which by the provisions of this Act may be made by the Court in term time. When the proceedings are before a District Magistrate, the magistrate shall be regarded as the Clerk of the Court for all purposes contemplated herein. The word ‘Sheriff’ as used in this Act, means the High Sheriff of the Territory or his deputy, any sheriff or his deputy, and, when the proceedings are before a District Magistrate police officers also. Nothing in this Act shall be construed to permit a District Magistrate to issue a writ of attachment to be served out of the Circuit in which his district is situated, or to permit an attachment of real estate, or any interest therein, under a writ issued by a Magistrate.”

SECTION 2. This Act shall take effect and be in force from and after the date of its approval.

Approved this 25th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 28.

AN ACT

TO AUTHORIZE A VERDICT OR JUDGMENT FOR A LESSER OFFENSE UNDER A CHARGE OF A GREATER OFFENSE, AMENDING SECTION 2866 OF THE REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2866 of the Revised Laws is hereby amended so as to read as follows:

Section 2866. Upon the trial of any person charged with any offense he may be found guilty of any lesser degree of the same offense or of any offense necessarily included in that with which he is charged, as the facts proved may warrant.

SECTION 2. This Act shall take effect upon its approval.
Approved this 25th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 29.

AN ACT

TO AMEND SECTION 2655 OF THE REVISED LAWS OF HAWAII, RELATING TO PUBLICATION OF STATEMENT OF COPARTNERSHIP.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 2655 of the Revised Laws of Hawaii be and is hereby amended so as to read as follows:

Section 2655. STATEMENTS TO BE PUBLISHED. All such statements as are required to be made in the preceding sections shall also be published by the members of each copartnership at least twice in the Hawaiian and English languages, in any newspaper published in each County where said copartnership has a place for the transaction of business.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 25th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 30.

AN ACT

TO AMEND SECTION 235 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 235 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 235. OFFENDERS UNDER EIGHTEEN YEARS. The District Magistrates, Circuit Courts and Circuit Judges may commit all offenders duly convicted before them, under eighteen years of age, to said industrial and reform schools for any term within their minority, in all cases where they shall deem such sentence to be more suitable than the punishment otherwise authorized by law.”

SECTION 2. This Act shall take effect on and after the date of its approval.

Approved this 25th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 31.

AN ACT

**RELATING TO THE REGISTRATION OF CO-PARTNERSHIPS, AND
AMENDING SECTION 2653 OF THE REVISED LAWS OF HA-
WAI.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2653 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 2653. Whenever any two or more persons shall carry on business in this Territory in co-partnership, it shall be incumbent for such persons to file in the office of the Treasurer a statement of:

1. The names and residences of each of the members of such co-partnership;
2. The nature of the business of such co-partnership;
3. The firm name of the co-partnership;
4. The place or places of business of the co-partnership.

Such statement shall be acknowledged by each of the partners before a notary public in the manner provided by law for the acknowledgment of deeds.”

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 25th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 32.

AN ACT

TO AMEND SECTION 3152 OF THE REVISED LAWS OF HAWAII
BY INCREASING THE PUNISHMENT FOR THE CRIME OF
HAVING SEXUAL OR CARNAL INTERCOURSE WITH A FE-
MALE UNDER THE AGE OF FOURTEEN YEARS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 3152 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 3152. Intercourse with a female under fourteen; punishment. Whoever shall be convicted of having sexual or carnal intercourse with any female in this Territory, under the age of fourteen years, shall be imprisoned at hard labor for any term, not more than five years, in the discretion of the Court.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 25th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 33.**AN ACT**

AMENDING SECTION 1562 OF THE REVISED LAWS OF HAWAII,
RELATING TO DEPUTIES HIGH SHERIFF, APPOINTMENT,
POWERS, BOND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1562 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"The High Sheriff may, with the approval of the Attorney General, appoint and commission Deputies High Sheriff, for whose acts and defaults the High Sheriff shall be responsible upon his official bond. Each Deputy High Sheriff so appointed shall be authorized to do or perform any act or thing required by law to be done or performed by the High Sheriff. The High Sheriff may exact from his Deputies bonds of indemnity with sufficient surety or sureties for the due and faithful discharge of their duties, which bonds may be in any amount not to exceed Ten Thousand Dollars."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 26th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 34.**AN ACT**

TO AMEND SECTION 2291 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2291 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 2291. CHILDREN IN PUBLIC STREETS, PROHIBITED WHEN; PENALTY. Any child under fifteen years of age who, except in case of necessity, shall go or remain on any public street or highway after seven o'clock in the evening and before four o'clock in the morning, unaccompanied by an adult person, shall be punished by a fine of not more than Five Dollars or by imprisonment not exceeding ten days at the Reform School.”

SECTION 2. This Act shall take effect from and after its passage.

Approved this 26th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 35.**AN ACT**

TO AMEND SECTION 213 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 213 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 213. PENALTY. If any child of school age shall persist in absenting himself or herself from school, any District Magistrate shall upon a proper complaint being made by the School Teacher or any other officer or agent of the Department, cause such child and the father or mother, guardian or other person having the charge of such child, to be summoned to appear before such Magistrate, and upon its being proved that the person responsible for the child had not used proper diligence to enforce the child's regular attendance at school, such responsible party shall be punished by a fine in a sum not less than Five and not exceeding Fifty Dollars, or by imprisonment for not more than two months. In case the child shall prove the offending party, the Magistrate shall send him or her to a reformatory or industrial school for a term of not less than six months or more than two years, or otherwise sentence him or her to a fine not exceeding Five Dollars; provided however that the provisions of this Section shall not apply to any child not liable to compulsory attendance at school."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 36.**AN ACT**

**TO PROVIDE A HOSPITAL IN THE DISTRICT OF NORTH KOHALA,
ISLAND OF HAWAII.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Board of Health shall establish a Hospital at North Kohala, Island of Hawaii, to be known as the Kohala Hospital, which shall be under the supervision and control of the Board of Health.

SECTION 2. The Hospital shall be maintained more especially for the benefit of indigent persons, but moderate and reasonable payments may be required of patients who are able to pay the same.

SECTION 3. That all moneys received from paying patients or otherwise shall be paid over to the Board of Health, provided, however, that such moneys shall be used as additional pecuniary support for the institution, whenever it shall be deemed necessary, and all such moneys so expended shall be accounted for to the Board of Health.

SECTION 4. This Act shall take effect from and after the date of its approval.

WE HEREBY CERTIFY that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the

elective members of the House of Representatives of the Territory of Hawaii, this 26th day of March, A. D. 1907.

H. L. HOLSTEIN,
Speaker, House of Representatives.
JOHN H. WISE,
Clerk, House of Representatives.

WE HEREBY CERTIFY that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 27th day of March, A. D. 1907.

S. E. KALAMA,
Vice-President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

ACT 37.

AN ACT

**TO REGULATE THE CONDUCT OF THE TRIAL OF CIVIL AND
CRIMINAL CAUSES.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The trial of every criminal and civil cause in any court of the Territory shall proceed in the following order, that is to say:

1. The prosecuting officer, or plaintiff, as the case may be, and the defendant, or his attorney, may state their respective cases;

2. The prosecuting officer, or plaintiff, as the case may be, must then produce the evidence on his part;

3. The defendant may then open his defense and offer his evidence in support thereof;

4. The parties may then respectively offer rebutting evidence only;

5. When the evidence is concluded, unless the case is submitted on either side or both sides without argument, the prosecuting officer, or plaintiff, as the case may be, must open the argument and fully and fairly state his theory of the case and the reasons which entitle him to a verdict; the defendant may then reply, and the prosecuting officer, or plaintiff as the case may be, may conclude the argument, and in such conclusion to confine himself to answering any new matter or arguments presented by the defendant or his attorney.

SECTION 2. All Acts and parts of Acts inconsistent with or repugnant to this Act are hereby repealed.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 27th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 38.

AN ACT

TO AMEND SECTION 1793, CHAPTER 119 OF THE REVISED LAWS OF HAWAII RELATING TO "JURIES AND TRIAL BY JURY."

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1793 of Chapter 119 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 1793. Amount. The pay of jurors in courts of record shall be, for actual attendance at court, and for the time necessarily occupied in going to and returning from the same, three dollars a day during such attendance.

For the distance necessarily travelled from their residence in going to and returning from said court by the shortest practicable route, five cents a mile."

SECTION 2. This Act shall take effect from and after the date of its approval.

We hereby certify that the foregoing Bill, after reconsideration on the Veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii on the 26th day of March, A. D. 1907.

S. E. KALAMA,
Vice-President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

We hereby certify that the foregoing Bill, after reconsideration on the Veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, on the 27th day of March, A. D. 1907.

H. L. HOLSTEIN,
Speaker.
JOHN H. WISE,
Clerk.

ACT 39.

AN ACT

RELATING TO THE WRIT OF QUO WARRANTO, AMENDING SECTION 2044 OF THE REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2044 of the Revised Laws is hereby amended so as to read as follows:

Section 2044. This also is an order issuing in the name of the Territory by a Circuit Judge and directed to a person who claims or usurps an office of the Territory or of any subdivision thereof, or of any corporation or quasi-corporation, public or private, or any franchise, inquiring by what authority he claims such office or franchise.

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 40.**AN ACT**

REQUIRING STREET RAILWAY COMPANIES TO SPRINKLE CERTAIN PORTIONS OF STREETS IN HONOLULU, TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Superintendent of Public Works is hereby authorized and directed to require hereafter by appropriate regulations, all street railway companies operating in the City of Honolulu to sprinkle, at such times as the Superintendent may deem necessary, all that portion of the streets or avenues within a one mile radius of the General Post Office in the City of Honolulu occupied by their tracks.

SECTION 2. That after promulgating the regulations herein authorized and required, should any street railway company in the City of Honolulu fail or refuse to comply therewith, the Superintendent shall cause said sprinkling to be done, and collect the cost of doing said work from said street railway companies in the same manner as the cost of construction of side-walks provided for in Section 734 of the Revised Laws.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 1st day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 41.

AN ACT

PROVIDING FOR REFUNDING BONDED INDEBTEDNESS OF THE
TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. For the sole purpose of refunding the present and future bonded indebtedness of the Territory, the Treasurer is hereby authorized and empowered, with the approval of the Governor, to issue negotiable refunding bonds in the name of the Territory of Hawaii, with interest coupons attached in an amount not exceeding the total authorized bonded indebtedness of the Territory, the principal and interest of such refunding bonds to be paid in gold coin of the United States of America or its equivalent, at its legal standard of weight and fineness at the time of issuance of said bonds.

SECTION 2. All bonds issued under the authority of this Act shall be approved by the President of the United States and shall bear interest payable semi-annually at a rate not greater than that provided for in the bond by it refunded. Such bonds shall be made redeemable and payable as provided by law at the time of issuance thereof.

SECTION 3. All such bonds shall be exempt from any and all taxes whatsoever, and the payment of the principal and interest thereof shall constitute a charge upon the consolidated revenues of the Territory.

SECTION 4. The proceeds of the bonds so issued shall be exclusively devoted to the purposes for which the same are issued.

SECTION 5. The Treasurer of the Territory may, with the approval of the Governor, determine the denominations of such bonds to be issued under the authority of this Act, and the place or places at which the principal and interest of such bonds or any of them shall be payable and the method of their redemption. He may make such arrangements as may be necessary or proper for the sale of the whole or any part of the authorized issue. The arrangements shall provide for the sale of the bonds by the Territory itself by public advertisement for tenders or by private sale. Provided, however, that no bonds authorized to be issued by this Act shall be sold at less than their nominal par value.

SECTION 6. All bonds issued under the provisions of this Act shall be lithographed or steel engraved and shall be signed by the Treasurer of the Territory and by the Registrar of Public Accounts, and be sealed with the seal of the Treasury Department of the Territory. Interest coupons shall bear a lithographed or engraved fac-simile of the signature of the person holding the office of Treasurer of the Territory at the time of the issuance of said bonds.

SECTION 7. Said refunding bonds may be exchanged at not less than par value for an equal amount at not more than par value of the bonds to be refunded under the provisions of this Act, or said bonds may be sold as provided by this Act and the proceeds therefrom applied solely to the payment of the bonds to be refunded under the provisions of this Act. All bonds so refunded and redeemed by the issue and sale or issue and exchange of bonds as herein provided for shall be cancelled or destroyed by the Treasurer.

SECTION 8. When the bonds of the issues herein authorized and the several coupons thereto attached mature, it shall be the duty of the Treasurer to pay the same on presentation, out of any funds in his hands applicable thereto. But if such bonds

or coupons are made payable elsewhere than at the office of the Treasurer, he shall forward sufficient funds to the designated place or places of payment, to meet and pay all such obligations at maturity in accordance with the terms thereof.

SECTION 9. Bonds issued in substantial conformity to the preceding provisions shall in law be considered negotiable.

SECTION 10. This Act shall take effect and become law from and after the date of its approval, and all Acts or parts of Acts in conflict herewith are hereby repealed.

Approved this 2nd day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 42.

AN ACT

TO AMEND SECTION 2207 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 2207 of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 2207. Requisites of Contract. In order to make valid the marriage contract, it shall be necessary that the respective parties be not related to each other nearer than in the fourth degree of consanguinity; that the male at the time of contracting the marriage shall be at least seventeen years of age, and the female at least fourteen years of age; that the man shall not at the time have any lawful wife living and that the woman

shall not at the time have any lawful husband living; and it shall in no case be lawful for any persons to marry in this Territory without a license for that purpose duly obtained from the agent duly appointed to grant licenses to marry in the judicial district in which the marriage is to be celebrated.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 3rd day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 43.

AN ACT

TO AMEND SECTIONS 2407, 2412, 2424, 2447 AND 2503 OF THE
REVISED LAWS, RELATING TO APPEALS FROM THE COURT
OF LAND REGISTRATION AND OTHER PROCEDURE THEREIN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2407 of the Revised Laws of Hawaii is amended to read as follows:

“Section 2407. Appeals. Appeals solely upon points of law shall be allowed from any final order, decision, judgment or decree of the court to the Supreme Court, except in cases in which any party shall appeal to the Circuit Court, whenever the party appealing shall file notice of his appeal within five days, and shall pay the costs accrued, and deposit a sufficient bond in the sum of fifty dollars, conditioned for the payment of

the costs further to accrue, in case he is defeated in the appellate court, or money to the same amount, within ten days after the filing of the decision, judgment, order or decree appealed from.

Upon such appeal the record in the cause shall be transmitted to the Supreme Court within the time and in the manner provided for appeals to the Circuit Court.

Upon any final order, decision, judgment or decree of the Land Court there shall be no further trial of the facts, unless a new trial of such cause shall be awarded according to law, provided, however, that in any case in which any party aggrieved by any order, decision, judgment or decree, desires a jury trial, an appeal shall be allowed therefrom to the Circuit Court sitting with a jury in the First Judicial Circuit, or in the Circuit where the land or a portion thereof lies, whenever the party appealing shall file notice of his appeal within five days and shall pay the costs accrued, and shall deposit a sufficient bond in the sum of one hundred dollars conditioned for the payment of costs further to accrue in case he is defeated in the appellate court, or money to the same amount, within ten days after the final order, judgment, decision or decree appealed from.

Upon such appeal for a jury trial, issues shall be framed therefor in the Land Court within thirty days after the date of such order, judgment, decision or decree or within such further time as the court shall allow, and within such time the appellant shall file in the Circuit Court copies of all material papers in the case certified by the registrar, or upon the permission of the Judge of the Land Court he may transmit the original papers to the Circuit Court. No matters shall be tried in the Circuit Court except those specified upon appeal.

At such trial the records of the Land Court may be read as evidence and any party may introduce further testimony and also re-examine orally before such court any witnesses whom he may have produced and examined in the original hearing.

After the trial and conclusion of such cause before the Circuit Court by verdict of a jury and judgment had thereon, there shall be no further trial of the issues of fact, unless a new trial shall be granted according to law.

Questions of law arising in any trial or other proceeding before the Land Court or in the Circuit Court on appeal therefrom may be reserved for the consideration of the Supreme Court, as provided by Sections 1862 and 1863 of the Revised Laws and any party may take exceptions to any opinion, direction, instruction, ruling or order of the judge of the Circuit Court as provided by Section 1864."

SECTION 2. Section 2412 is hereby amended by striking out therefrom the lines 22 to 35 inclusive, and by inserting after line 15 the following sub-section:

"Fifth. The Territory of Hawaii or any municipal corporation thereof, or any state, domestic or foreign may make application by any officer duly authorized therefor."

SECTION 3. Section 2424 is hereby amended by striking out from lines 8 and 9 the sentence: "Only such newspapers shall be eligible for selection to receive such advertisements," and by striking out the caption of the notice lines 12, 13, 14 and 15 and substituting therefor the following:

12. Registration of Title.
13. Court of Land Registration.
14. No.
15. Territory of Hawaii.

SECTION 4. Section 2447 is hereby amended by striking from lines 6, 7 and 8 thereof the following clause: "every deed shall also state whether the grantee is married or unmarried, and if married, give the full name of the husband or wife, including the maiden name of the wife in full," and inserting in place thereof the following clause: "every deed shall also contain or have endorsed upon it a statement that the grantee is married or unmarried, and if married, said statement shall give the name in full of the husband or wife," so that the said section as amended shall read as follows:

"Section 2447. Grantor's residence, etc. to be stated. Every deed or other voluntary instrument presented for registration shall contain or have endorsed upon it the full name or names, if more than one, place of residence and post office address of the grantee or other person acquiring or claiming an interest under such instrument and every deed shall also contain or have endorsed upon it a statement that the grantee is married or unmarried, and if married, said statement shall give the name in full of the husband or wife. Any change in the residence or post office address of such person shall be endorsed by an assistant registrar on the original instrument, on receiving a sworn statement of such change. All names and addresses shall also be entered on all certificates. Notices and processes issued in relation to registered land in pursuance of this chapter may be served upon any person in interest by mailing the same to the address so given, and shall be binding whether such person resides within or without the Territory."

SECTION 5. Section 2503 is hereby amended by adding thereto after the line 58 the following paragraph:

"For any application made by or in the name of the Territory of Hawaii, any proceedings had upon such application or any dealing with registered land by the Territory as owner no fees shall be charged."

SECTION 6. This Act shall take effect from and after its approval.

Approved this 5th of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 44

AN ACT

PROVIDING FOR THE FILING BY CORPORATIONS OF CERTIFICATES OF INCREASE OF CAPITAL STOCK.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Chapter 157 of the Revised Laws of Hawaii as amended by Act 91 of the Session Laws of 1905, relating to corporations, be amended by adding a new section thereto to be known as Section 2566B, to read as follows:

"Section 2566B. No increase or extension of the capital stock of any corporation organized under the Laws of the Territory of Hawaii, having authority under its articles of association or charter to increase its capital stock, shall be legal and effective unless a certificate shall have first been filed with the Treasurer of the Territory, signed by the president and secretary of such corporation, showing (1) the present authorized capital stock of said corporation; (2) the amount to which the capital stock thereof may be increased or extended under its articles of association or charter, and (3) the amount of increase or extension of such capital stock duly authorized by its stockholders; which certificate shall be accompanied by payment of the fee required to be paid upon the amount of increase

so authorized. The Treasurer shall not receive or file any such certificate without such payment."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of April, A. D., 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 45.

AN ACT

**AMENDING CHAPTER 104 OF THE REVISED LAWS OF HAWAII
AND PROVIDING FOR AN ADDITIONAL SECTION THEREIN TO
BE KNOWN AS SECTION 1521A, PROVIDING FOR PAYMENT
TO PUBLIC ACCOUNTANTS OF CLAIMS IN FAVOR OF THE
TERRITORY UNDER PROTEST.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 104 of the Revised Laws of Hawaii is hereby amended by adding thereto another section to be known as Section 1521A, to read as follows:

"Section 1521A. Moneys representing a claim in favor of the Territory of Hawaii may be paid to a public accountant of the Territory under protest in writing signed by the person making such payment, or by his agent, setting forth the grounds of such protest, in which event the public accountant to whom such payment is made shall hold the money so paid for a period of thirty days from the date of payment.

Action to recover the money so paid, or proceedings to adjust the claim may be commenced by the payor or claimant against the public accountant to whom the payment was made, in a court of competent jurisdiction, within said period of thirty days, and in default of bringing such suit or proceedings within said period, the money so paid shall be by such accountant deposited in the Treasury of the Territory, and the same shall thereupon become a government realization.

If action to recover the money so paid under protest, or proceedings to adjust the claim, shall be commenced within thirty days after payment of the money under protest, the amount so paid shall be transmitted by the said public accountant to the Treasurer of the Territory who shall hold the same as a special deposit pending the final decision of the cause. If the final decision of the cause shall be in favor of the claimant, the Treasurer of the Territory shall pay to him out of such special deposit, such amount as shall have been adjudged to be due to him in said cause; the amount so to be paid to be ascertained by the Treasurer from a certified copy of the judgment of the court, in which the cause was finally determined, which shall be his authority and warrant for such payment."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of April, A. D., 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 46.**AN ACT**

TO AMEND SECTION 206 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 206 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 206. All schools established and maintained by the Department in accordance with law are public schools. All other schools established and conducted in compliance with law are private schools.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of April, A. D., 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 47.**AN ACT**

TO AMEND SECTION 211 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 211 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 211. The English language shall be the medium and basis of instruction in all public and private schools within the Territory and any school where English is not the medium and basis of instruction shall not be recognized as a public or private school within the provisions of this chapter and attendance thereat shall not be considered attendance at school in compliance with law. Provided, however, that where it is desired that another language shall be taught in addition to the English language, such instruction may be authorized by the department, by direct order in any particular instance."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of April, A. D., 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 48.

AN ACT

AMENDING SECTION 209 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 209 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 209. Any person or persons desiring to establish a private school within the Territory of Hawaii shall, prior to the establishment thereof, make an application in writing to the Department of Public Instruction of the Territory, which application shall be signed by the applicant or applicants and shall state in substance (1) the name or names of the persons

desiring to establish such school; (2) the proposed location thereof; and (3) the course of instruction and the languages in which such instruction is to be given.

Upon the receipt and approval of such application, the Department of Public Instruction shall issue to the person or persons applying therefor a permit in form to be by it approved, authorizing the establishment of such school; and no private school shall be established within the Territory except in conformity with this Chapter.

All persons conducting schools within the Territory other than public schools shall on or before the first day of October 1907, file with the Department of Public Instruction a statement in writing signed by the person or persons conducting such school, showing (1) the name or names of the persons in charge thereof; (2) the location; (3) the course of instruction and the languages in which such instruction is given.

Upon the receipt of such statement and approval by the Department of Public Instruction of the course of study and instruction given, the Department of Public Instruction shall issue to the person or persons in charge of said school a certificate, in form to be by said Department of Public Instruction prescribed, recognizing such school as a private school within the meaning of this Chapter.

Attendance at any school established or maintained without complying with the terms of this Section shall not be considered attendance at a public or private school within the meaning of this Chapter."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of April, A. D., 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 49.**AN ACT**

TO AMEND SECTION 60 OF CHAPTER 13 OF ACT 39 OF THE SESSION LAWS OF 1905 AS AMENDED BY ACT 54 OF THE SESSION LAWS OF 1905.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 60 of Chapter 13 of Act 39 of the Session Laws of 1905 as amended by Act 54 of the Session Laws of 1905, is hereby amended so as to read as follows:

“Section 60. Any County officer may be removed for malfeasance, misfeasance, nonfeasance, or maladministration in office. The Board of Supervisors of each County shall constitute a Board of Impeachment for the trial of any elected officer of the County, except members of the Board of Supervisors, who may be charged with malfeasance, misfeasance, nonfeasance or maladministration in office, by not less than twenty-five (25) legal voters within the County. Such officer shall be informed in writing of the charge made against him and shall be given an opportunity to defend himself against the same. Said Board of Impeachment shall have power to hear and determine said charge, and if the same be sustained, to remove said officer so charged from office and to fill the vacancy so occurring by the appointment of some qualified person to fill said office for the unexpired term thereof.

Said hearing shall be public and be conducted by the Board at the County seat. Provided, however, that in case of the removal of a member of the Board of Supervisors, the vacancy so caused shall be filled by appointment by the Governor for the remainder of the unexpired term of such member.

And provided further, that members of the several Boards of Supervisors shall be tried for any of the causes specified in this section, and in manner similar to that provided for the trial of other County officers, before the Supreme Court of the Territory, which shall have power, in case said charges are sustained, to remove any of said officers from office."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 5th day of April, A. D., 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 50.

AN ACT

RELATING TO TERMS OF CIRCUIT COURTS, AMENDING SECTIONS 1644 AND 1646 OF THE REVISED LAWS AS AMENDED BY ACTS 34 AND 37 RESPECTIVELY OF THE LAWS OF 1905.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1644 of the Revised Laws as amended by Act 34 of the Laws of 1905 is hereby amended so as to read as follows:

"Section 1644. The terms of the Circuit Courts shall be held as follows:

In the First Circuit at Honolulu on the second Monday of January;

In the Second Circuit at Wailuku on the third Wednesdays of March and October, and at Lahaina on the third Wednesday of June;

In the Third Circuit at Kailua on the fourth Wednesdays of April and October, at North Kohala on the fourth Wednesday of July, and at Waiohinu on the fourth Wednesday of January;

In the Fourth Circuit at Hilo on the third Wednesdays of February, June and November, and at Honokaa on the third Wednesday of August;

In the Fifth Circuit at Lihue on the first Wednesdays of March, July and November."

SECTION 2. Section 1646 of the Revised Laws as amended by Act 37 of the Laws of 1905 is hereby amended so as to read as follows:

"Section 1646. The terms of the Circuit Courts may continue and be held, subject to adjournment from time to time or without day, as follows:

In the First and Fourth Circuits, until the time fixed by Law for the commencement of the next succeeding term;

In the Second, Third and Fifth Circuits, for twenty-four days, subject to extension by the presiding Judge for not more than twelve days thereafter;

Provided that Sundays and legal holidays shall be excepted; that any term shall continue as long as necessary for the sole purpose of concluding any trial begun before the time when such term would otherwise expire; that in the First Circuit, unless by consent, no jury trial in any civil case shall be begun in March, June, or November and no trial in any term case in July or August; and that the terms at North Kohala, Waiohinu and Honokaa shall be held for the trial of such cases only as

do not require a jury, and that no jurors, grand or trial, shall be summoned for such terms.

SECTION 3. This Act shall take effect on the first day of January, 1908.

Approved this 5th day of April, A. D., 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 51.

AN ACT

AUTHORIZING THE USE OF TYPEWRITING MACHINES IN MAKING
PUBLIC RECORDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All Public Officers of the Territory or of any political subdivision therein, who have charge of the making of any Public Record, or of the recording of any paper, document or other matter required by Law to be recorded, are hereby authorized and empowered to use typewriting machines in the making of such records or in the recording of any such paper, document or matter.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 5th day of April, A. D., 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 52.

AN ACT

**TO AMEND SECTION 1379 OF THE REVISED LAWS OF HAWAII
RELATIVE TO LIVERY STABLES.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1379 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 1379. **FEE.** The annual fee for a License to carry on the business of a Livery Stable shall be Fifty Dollars for the District of Honolulu, and Twenty Five Dollars for all other Districts.”

SECTION 2. This Act shall take effect on and after the first day of July, 1907.

Approved this 5th day of April, A. D., 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 53.

AN ACT

PROVIDING FOR WITNESS FEES IN CRIMINAL CASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Every witness legally required to attend upon a Circuit Court or a grand jury in any criminal case shall be entitled to one dollar for each day's attendance and twenty

cents for each mile actually and necessarily traveled, in going only.

SECTION 2. It shall be the duty of the Clerk of each Circuit Court to keep an attendance roll, in which shall be entered the name of each witness subpoenaed for the prosecution in criminal cases in said circuit, the name of each witness subpoenaed for the defendant at the expense of the County under order of the court, where each witness was subpoenaed or summoned, the date of appearance, the date of discharge, the number of days' attendance with the dates thereof, the place of residence of the witness and the number of miles necessarily traveled by said witness from the place of his residence to the place of holding court.

SECTION 3. Whenever a witness subpoenaed on behalf of the Territory in a criminal case or on behalf of a defendant at the expense of the County in a criminal case shall be discharged the Clerk of the Circuit Court shall issue to him under seal of the Court, a numbered certificate from a book having a stub with like designations, stating the name of such witness, when and where he was summoned or subpoenaed, the date of his discharge, the number of miles necessarily traveled from his place of residence to the place of holding court, the number of days' service and the amount due for mileage and for service. Such certificates, when correct, must be so certified by the county attorney but no certificate shall be so certified unless presented to the county attorney within twelve months after the date of issue. On presentation to the county auditor of any duly certified witness' certificate the auditor shall draw his warrant on the county treasurer for the payment of the same out of the general fund of the county, or if there is no money in such fund with which to pay the same, it shall be registered and paid in its regular order.

SECTION 4. Every witness in a criminal case subpoenaed for the Territory or for a defendant by order of the court at the

expense of the county, shall unless temporarily excused report in person daily to the Clerk of the Circuit Court from the time of his appearance to the date of his discharge and no per diem shall be allowed for any day upon which attendance is not so reported.

SECTION 5. No witness for a defendant shall be subpoenaed at the expense of the county except upon an order of the Court. Such order shall be made only upon affidavit of the defendant showing:

(1) That said defendant is impecunious and unable to pay the per diem and mileage of said witness.

(2) That the evidence of said witness is material for defendant's defense.

(3) That said defendant cannot safely proceed to trial without said witness.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 8th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 54.**AN ACT**

TO AMEND SECTION 1680 OF THE REVISED LAWS OF THE TERRITORY OF HAWAII RELATING TO CLERKS, DEPUTY CLERKS AND ASSISTANT CLERKS, SUCH ASSISTANT CLERKS TO BE EX OFFICIO BAILIFFS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 1680 of the Revised Laws of the Territory of Hawaii be and the same is hereby amended and re-enacted so as to read as follows:

“Section 1680. There shall be a clerk of the Judiciary Department and as many deputy clerks and assistant clerks as the business of the department shall require, whose salaries shall be fixed by the Legislature. The clerk of the Judiciary Department shall be appointed by the Justices of the Supreme Court, and shall be ex officio clerk of all the courts of record of the Territory, and as such may issue process returnable in all such courts. He shall have supervision and direction of the deputy and assistant clerks, but shall not be held responsible for their acts or omissions. He shall have charge of the records, moneys and business in the central office in Honolulu and shall supervise and direct the mode of keeping accounts and records.

There shall be two or more deputy clerks for the first circuit who shall be clerks of the Supreme Court and of the Circuit Court of the first circuit. Of these, two may be appointed and removed by the Chief Justice of the Supreme Court and one by each of the Circuit Judges of the first circuit.

There shall also be one deputy clerk for each of the other circuit courts appointed and removable by the Judge thereof.

There may also be one assistant clerk appointed and removable by each circuit judge with like powers and duties of the deputy clerks, and each assistant clerk so appointed by a circuit judge shall be ex-officio bailiff for the court of the circuit judge by whom he shall be appointed.

Any deputy clerk or assistant clerk may be removed by the supreme court for inefficiency of misconduct."

SECTION 2. This Act shall take effect and be in force from and after the date of its approval.

Approved this 8th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 55.

AN ACT

RELATING TO RESERVED QUESTIONS, AMENDING SECTIONS 1859
AND 1863 OF THE REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1859 of the Revised Laws is hereby amended by adding thereto the following sentence:

"Questions may be reserved by Circuit Judges in chamber matters in like manner as in term matters under Sections 1862 and 1863."

SECTION 2. Section 1863 of the Revised Laws is amended by adding thereto the following sentence:

"The Supreme Court may, in its discretion, return any reserved question for decision in the first instance by the Circuit Court or Judge."

SECTION 3. This Act shall take effect upon its approval.

Approved this 12th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 56.

AN ACT

RELATING TO PRIVATE WAYS AND WATER RIGHTS, AMENDING
SECTIONS 2199 TO 2205, BOTH INCLUSIVE, OF THE RE-
VISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2199 of the Revised Laws is hereby amended to read as follows:

"Section 2199. Definitions. The word 'commissioner' wherever used in this chapter, shall refer to the judge of the circuit court within which the property affected is situated. The word 'court' shall refer to and mean the supreme court. The word 'party' or 'parties' shall refer to and mean the respective parties to the controversy, before the judge or court. The word 'controversy' shall refer to and mean the matter or question at issue before the judge or court. The words 'private individuals or persons' shall relate to and mean either individuals, companies or corporations, or any others except the Territory."

SECTION 2. Section 2200 of the Revised Laws is hereby amended to read as follows:

"Section 2200. Jurisdiction. The circuit judges shall have jurisdiction to hear and determine all controversies respecting rights of private ways and water rights, as in this chapter provided."

SECTION 3. Section 2201 of the Revised Laws is hereby amended to read as follows:

"Section 2201. Procedure. It shall be the duty of said judges within their respective circuits to hear and determine all controversies respecting rights of private ways and water rights, between private individuals, or between private individuals and the Territory. Any person or persons interested, or the Territory, may apply for the settlement of any rights involved hereunder, whereupon the judge shall issue a written or printed summons in like form as that used before a circuit judge at chambers to the party or parties defendant. It shall be personally served upon each land owner or occupant having an interest in the controversy, whenever such owner or occupant can be found. If, however, such owner or occupant cannot be found for such service, the judge shall cause a notice or notices in the English or Hawaiian language, as he shall deem most efficient, to be given either by posting upon the premises the owners or occupants whereof cannot be found, or by insertion in one or more newspapers, which publication shall continue for at least two full weeks prior to the date set for hearing. Such notice shall designate the time and place of hearing, shall indicate the nature of the application made, and shall notify all parties interested to attend and prove their rights, or they will be adjudicated without such attendance, besides any other matter deemed important by the judge. Such notice may be published in any case in the discretion of the judge. No summons shall be set aside or dismissed because of any technical informality, provided it shall set forth the time and place of hearing, and the nature of the right claimed, in terms sufficiently clear for the appraisal of all parties interested. Parties may appear personally or by properly authorized attorney."

SECTION 4. Section 2202 of the Revised Laws is hereby amended to read as follows:

"Section 2202. Same; Hearing, Decision, Record. At the time set for hearing, service of summons or publication of notice having been proved, the judge shall hear the evidence offered relative to the right in controversy, and shall, as far as possible, ascertain the rights of absent parties, not served where notice as herein provided shall have been published. He may, if deemed desirable, or conclusive to the rendering of a correct decision, visit the locality where the controversy arose. He shall give such decision as may in each particular case appear to be in conformity with vested rights and shall be just and equitable between the parties. The decision shall state expressly the findings of fact on the evidence, and shall in cases of right of way clearly indicate the location (if possible) and nature of the way; if on a water right, it shall state the proportion of time for use, and any other things necessary to the right. It may also regulate the methods by which water may be obtained, and by which its supply can be controlled. All of the testimony and the decision shall be recorded in books of record to be kept and preserved by the judge. The said books, when filled, shall be deposited with the clerks of the respective courts. The decisions of the several judges shall be final and binding upon all parties except those who may be absent from the Territory without a legal representative in the Territory during the whole time of the pendency of such controversy, subject to the right of appeal."

SECTION 5. Section 2203 of the Revised Laws is hereby amended to read as follows:

"Section 2203. Costs. There may be taxed as costs in cases arising hereunder, besides the usual statutory costs as allowed by district courts for service, summons, oaths and otherwise, not over twenty cents a folio for copies of the evidence and decision either on appeal or as furnished to any party. The costs may, in the discretion of the judge, be divided, or taxed to the losing

party. In case of appeal the final award as to costs shall abide the decision of the court."

SECTION 6. Section 2204 of the Revised Laws is hereby amended to read as follows:

"Section 2204. Appeal. Any party aggrieved by the decision of the judge may appeal therefrom to the supreme court within ten days from the rendition of the decision and within said period shall pay all costs accrued and for certificate and record on appeal, and shall deposit with the judge a good and sufficient bond to the clerk of the court, in the sum of one hundred dollars, conditioned for the payment of costs further to accrue in case of defeat. In case of appeal, the judge shall promptly transmit to the clerk of the court a copy of the record, together with any exhibits filed, the bond for costs, and all costs not strictly retainable by him or actually disbursed. The court may permit the introduction of new evidence which could not with due diligence have been obtained before, and its decision shall be final and binding except as to parties absent as aforesaid."

SECTION 7. Section 2205 of the Revised Laws is hereby amended to read as follows:

"Section 2205. Judge, Powers. The judge shall have power to administer oaths, to punish contempts, to grant adjournments, to subpoena and compel the attendance of witnesses, to issue execution for costs, to enforce the specific performance of judgment, and generally to exercise the same authority in regard to their special jurisdiction as is by law conferred upon circuit judges at chambers."

SECTION 8. Nothing in this Act contained shall affect causes and matters which shall at the date of the taking effect of this Act have been partially tried or heard by any commissioner as constituted under the heretofore existing law; and such commissioners shall retain their jurisdiction to conclude and decide the same in like manner and with the same effect as though this law had not been passed. All other pending controversies are hereby

transferred to the circuit judges, respectively, within whose jurisdiction the same may be.

SECTION 9. This Act shall take effect upon its approval.

Approved this 12th day of April, A. D. 1907.

G. R. CARTER,

Governor of the Territory of Hawaii.

ACT 57.

AN ACT

TO PROVIDE FOR THE COMPENSATION OF THE SECOND DISTRICT MAGISTRATE OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. In all cases of temporary disqualification or absence of the District Magistrate of Honolulu, which absence shall be approved by a Justice of the Supreme Court, the Second District Magistrate of Honolulu shall receive for compensation for his services during such disqualification or absence of the District Magistrate the sum of Seven (\$7.00) Dollars per diem.

SECTION 2. Such services rendered by the Second District Magistrate shall be certified to the Auditor by the District Magistrate of Honolulu.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 12th day of April, A. D. 1907.

G. R. CARTER,

Governor of the Territory of Hawaii.

ACT 58.**AN ACT**

TO PROVIDE FOR THE DISPOSITION OF MONEYS RECEIVED BY
THE GOVERNMENT ON ACCOUNT OF SALES OF IMPROVE-
MENTS PLACED UPON PUBLIC LANDS BY SETTLERS OR
HOMESTEADERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever improved lands, occupied under a Homestead Lease, a Right of Purchase Lease, a Freehold Agreement or a Homestead Agreement are surrendered to the Government or are taken possession of by the Government by reason of cancellation of any Lease or Agreement, and are again disposed of by the Government, the Commissioner of Public Lands shall set apart from the proceeds of the sales of such lands and improvements a sum equal to the appraised value of the improvements upon the land sold, and shall deposit the same with the Treasurer of the Territory.

The Treasurer of the Territory shall keep all sums so set apart in a separate deposit. The sums so set apart shall be payable to the retiring occupant and shall be disbursed on warrants drawn by the Auditor upon approved vouchers of the Commissioner.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 12th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 59.

AN ACT

RELATING TO FORECLOSURE OF MORTGAGES, AMENDING SECTION 2161 OF THE REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2161 of the Revised Laws is hereby amended to read as follows:

"Section 2161. Notice of foreclosure; affidavit after sale. When a power of sale is contained in a mortgage, the mortgagee, or any person having his estate therein, or authorized by such power to act in the premises, may, upon a breach of the condition, give notice of his intention to foreclose such mortgage, by publication of such notice in the Hawaiian and English languages once in each of three successive weeks, the first publication to be not less than twenty-one days before the day of sale, in a newspaper published either in the county in which the mortgaged property lies or in Honolulu and having a circulation in such county; and also give such notices and do all such acts as are authorized or required by the power contained in the mortgage; and he shall within thirty days after selling the property in pursuance of the power, file a copy of the notice of sale and his affidavit setting forth his acts in the premises fully and particularly in the office of the registrar of conveyances, in Honolulu. The affidavit and copy of the notice shall be recorded by the registrar with a notice of reference thereto in the margin of the record of the mortgage deed if recorded in his office."

SECTION 2. This Act shall take effect upon its approval.

Approved this 12th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 60.**AN ACT**

TO AMEND CHAPTER 151 OF THE REVISED LAWS OF HAWAII,
BY ADDING THERETO A NEW SECTION TO BE KNOWN AS
SECTION 2365A. AND AMENDING SECTION 2366 OF SAID
REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Chapter 151 of the Revised Laws of Hawaii be and the same is hereby amended by adding thereto a new section to follow Section 2365, and which said new section shall be known as Section 2365A., and read as follows, to wit:

"Section 2365A. When the person offering the acknowledgment of any instrument is an officer of a corporation or joint stock association executing such instrument, the certificate of acknowledgment shall be substantially in the following form, to wit:

Territory of Hawaii)
County of)

On this day of A. D.
before me appeared A. B., to me personally known (or made known to me on the oath of) who being by me duly sworn (or affirmed) did say that he is the President (or other officer or agent of the corporation or association) of (describing the corporation or association) the corporation (or association) described in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation (or association) and that said instrument was signed and sealed by him in behalf of said corporation (or association); and said A. B. acknowledged said instrument to be his free act and deed, and the free act and deed of said corporation (or association)."

SECTION 2. Section 2366 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 2366. No certificate of acknowledgment contrary to the provisions of Sections 2362, 2363, 2364, 2365, 2365A., 2366, 2367, 2368, 2369 and 2370, shall be valid in any Court of this Territory, nor shall it be entitled to be recorded in the Registry of Public Conveyances. But no certificate of acknowledgment executed before July 29th, 1872, shall in consequence of anything in said sections contained be deemed invalid."

SECTION 3. This Act shall take effect and be in force from and after the date of its approval.

Approved this 12th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 61.

AN ACT

TO AMEND SECTION 2737 OF THE REVISED LAWS OF HAWAII
RELATING TO CORONER'S INQUESTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2737 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2737. Inquest, Jury, Fees. As soon as any coroner shall have notice of the death of any person within his jurisdiction, supposed to have come to such death by poisoning, violence, or in any suspicious manner, he shall forthwith issue his summons to six good and lawful men of the district where

such death may have occurred, or in which the dead body may have been found or is at the time lying, to appear before him at the time and place expressed in the warrant, and there to inquire upon the view of the body of the deceased, when, how, and by what means he came to his death.

In all cases of sudden death the coroner shall inquire into the cause, and in his discretion may cause an inquest to be held even if he is not satisfied that there are suspicious circumstances attending the death.

Each person summoned to serve on a coroner's jury shall be paid two dollars per day for each day's actual attendance; that said fees of two dollars shall be paid by the County in which the jury was called; and if any person summoned to serve on such jury shall fail to appear, without reasonable excuse therefor, he may be fined by the coroner not exceeding ten dollars or imprisoned not exceeding ten days; and the coroner may issue process to any police officer for the collection of any fines thus imposed."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 12th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 62.

AN ACT

RELATING TO COSTS AND FEES, AMENDING SECTION 1895 OF
THE REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1895 of the Revised Laws is hereby amended so as to read as follows:

“Section 1895. All Judges’, Clerks’, High Sheriffs’ and Sheriffs’ fees provided for in this chapter shall be accounted for to the Treasurer for the benefit of the Public Treasury, except as otherwise provided in Section 1566, and except such fees as are intended to reimburse such officers for actual expenditures made by them.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 12th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 63.**AN ACT****RELATING TO COSTS OF COURT.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Neither the Territory nor any County or Municipality thereof or any officer acting in his official capacity on behalf of the Territory or any County or Municipality thereof, shall be taxed costs or required to pay the same or file any bond or make any deposit for the same in any case.

SECTION 2. Summary judgment may be rendered in any proper case, at the instance of the clerk or any party interested, against the principal or principals and surety or sureties on any bond for costs or appeal bond, by either the appellate court or the trial court as the case may be, after at least ten days' notice to such obligors, and in case such judgment is rendered by the appellate court, execution thereon may be issued by either that court or the trial court, for which latter purpose the case or matter may be remitted to the trial court. This section shall not apply to bonds filed before this Act takes effect.

SECTION 3. Any appeal bond or bond for costs filed or cash deposited for costs by any party or parties in any case, may be enforced or applied for the payment of costs, notwithstanding that the costs may be adjudged to be payable by any other party or parties, in which event the party or parties paying the same may, by writ of execution or other appropriate proceeding, obtain reimbursement from the party or parties adjudged liable for the same. All cash not applied to costs shall be returned to the party or parties who deposited the same.

SECTION 4. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 64.

AN ACT

TO AMEND SUBDIVISION 5, SECTION 62 OF CHAPTER 14 OF
ACT 39 OF THE SESSION LAWS OF 1905.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Subdivision 5 of Section 62 of Chapter 14 of Act 39 of the Session Laws of 1905, is hereby amended to read as follows:

"5. To Regulate and Prescribe by Ordinance within the limits of the County all local police, sanitary and other regulations not in conflict with the general laws of the Territory, or the rules and regulations of the Territorial Board of Health, and to fix a penalty for the violation thereof, which said penalty may be by fine not to exceed \$500.00, together with the costs of court, and in the event of default of payment of such fine or costs of court that the offender shall be imprisoned until such fine or costs shall have been discharged by operation of the general law in such cases."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 15th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 65.**AN ACT**

TO ENABLE THE COUNTIES TO PROVIDE FOR COUNTY LOANS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Treasurer of each County with the approval of the Board of Supervisors of such County, is hereby authorized and empowered to issue from time to time bonds of such County, with interest coupons attached thereto, the principal and interest to be payable in Gold Coin of the United States of America, or its equivalent at its present standard of weight and fineness, in the manner, upon the terms, and for the purposes in this Act stated, but the total of such indebtedness which may be incurred by any County shall not exceed three per centum of the assessed value of the taxable property in such County nor shall the amount of such indebtedness which may be incurred in any one calendar year exceed one per centum of such assessed value.

SECTION 2. Such bonds shall be issued only for the purpose of meeting the requirements of the County for the erection of penal, charitable and educational institutions, and for public buildings, wharves, roads and harbor and other public improvements.

SECTION 3. No bonds shall be issued until a resolution authorizing the issue thereof, setting forth the amount, rate of interest and the term of the proposed bond issue, with a detailed statement of the uses to which it is proposed to put the proceeds of such bonds, shall have been passed by the Supervisors of the County and confirmed by an Act of the Legislature, approving and permitting such proposed issue or such amount thereof as the Legislature shall deem advisable; nor shall any

such issue of bonds be made until approved by the President of the United States.

SECTION 4. All bonds issued under the authority of this Act shall bear interest, payable semi-annually, at a rate of not more than five per cent per annum, and be made redeemable in not more than five years, and payable in not more than fifteen years from the date of issue thereof or in such other time or times respectively as may be hereafter authorized by law.

SECTION 5. All such bonds and interest coupons shall be exempt from any and all taxes whatsoever, and the payment of the principal and interest shall constitute a charge upon the consolidated revenue of the County issuing them.

SECTION 6. The proceeds of all bonds issued under the authority of this Act shall be devoted exclusively to the purposes for which the same are issued, as expressed in the Resolution of the Board of Supervisors and the approving Act of the Legislature.

SECTION 7. The Treasurer of the County, with the approval of the Chairman of the Board of Supervisors, shall determine the denomination of bonds issued under the authority of this Act and of the approving Act of the Legislature, and the place or places where the principal and interest of such bonds, or any of them, shall be payable, and the method of their redemption.

Said Treasurer shall make such arrangements as may be necessary or proper for the sale of the whole or any part of each authorized issue. Such arrangements shall provide for the sale of such bonds by the County itself, either by private sale or by public advertisement for tenders at least once each week for not less than nine weeks, in a newspaper of general circulation published in Honolulu, and in a newspaper, if any, of general circulation published in the County, but no bond shall be sold

at less than two per cent. below its nominal par value; provided that before any sale is made the Treasurer shall first secure the approval of such sale by the Board of Supervisors.

SECTION 8. All bonds issued under the provisions of this Act shall be lithographed or steel engraved, and shall be signed by the County Treasurer and the Chairman of the Board of Supervisors, and be sealed with the seal of the County. Interest coupons may bear a lithographed or engraved fac-simile of the signature of the County Treasurer.

SECTION 9. The Treasurer of the County shall pay the principal of such bonds at maturity, and the interest thereon as the same becomes due at the place or places and in the manner prescribed for such payment under the provisions of this Act.

SECTION 10. In case of any default in the payment of the principal of any such bonds at maturity or of the interest thereon when the same shall become due, the holder of any of the bonds on which any such default is made may bring an action at law against the County making such default, for the amount due by reason of such default, and should any moneys be then or thereafter payable by the Territory of Hawaii to the County defendant in such action he may in the petition and prayer for process insert a request to the court or magistrate issuing process to insert therein a direction to the officer serving the same to leave a true copy thereof, attested by the High Sheriff, or his Deputy, or the Sheriff of the County or his Deputy, with the Auditor of the Territory, who hereafter in this Act is called the garnishee.

SECTION 11. Service of such process upon the garnishee may be made as follows: if the garnishee lives or has his office in the district where such process is issued, by handing such copy to him personally, or leaving it in his office with a deputy, clerk or other employee therein; if the garnishee does not live, nor

have an office in the district where such process is issued, by handing such copy to him personally, or by depositing it in the nearest post office, enclosed in a sealed envelope, postage prepaid, and addressed to the garnishee at his office in Honolulu.

SECTION 12. It shall not be incumbent on the garnishee to appear and answer such process but the trial of such action shall proceed in all respects as if the garnishee had not been made a party. But from the time of service upon him, it shall be unlawful for such garnishee to draw, sign or issue any warrant payable to the order of the County defendant or any of its officers or permit or cause the same to be done, for any moneys which may be then or thereafter payable to such defendant until the action shall have been finally determined and the judgment therein rendered, if any, shall have been fully paid and satisfied with legal interest thereon; but all moneys due or to become due to such defendant shall be held in the Treasury of the Territory from the time of such service until such final judgment or determination of such action; provided, however, that no more shall thus be held than shall be sufficient to meet the demand with costs and interest of plaintiff or plaintiffs in such action.

SECTION 13. After final judgment or determination of any such action the party prevailing shall obtain from the Court by which such final judgment or determination was made a certificate, which shall sufficiently describe the action to apprise the garnishee of its identity, and shall state the nature of the final judgment or determination made therein, and such certificate shall be immediately furnished to the garnishee.

SECTION 14. If final judgment is rendered against defendant in any such action such garnishee shall immediately thereafter draw, sign and deliver to the plaintiff or plaintiffs a warrant or warrants for the sum held by him in obedience to such service of process; and if such sum shall not equal the amount

of such final judgment, then the drawing, signing and delivery of such warrants shall continue to be made from time to time until such final judgment with interest shall be fully paid. All warrants so drawn, signed and delivered shall be charged against the defendant.

SECTION 15. In case of successive actions being so brought against the same County defendant, precedence shall be given by the garnishee to that in which process is first served on him; and if two or more such processes are simultaneously served, precedence shall be given in the order of the priority of their issue by the courts or magistrates respectively issuing them. This order of precedence shall not be disturbed by the fact of a posterior suit being carried to final judgment earlier than its anterior in time of service on the garnishee, but in such case the garnishee shall draw, sign and deliver warrants on account of such earlier judgment for only such sums as shall be payable upon such judgment from the amounts which shall thereafter become due and payable to such defendant. All amounts held on account of such anterior suit shall be held until the final judgment or determination thereof, and then applied in payment thereof. In case such amounts shall not be sufficient to fully satisfy such judgment, then all judgments obtained in posterior suits shall be again postponed to that in the anterior suit until it is satisfied.

SECTION 16. The power and authority given in this Act to the several Counties to issue bonds shall not be held in any manner to authorize and empower the Counties or any one of them to levy and impose taxes. But should any county hereafter be authorized and empowered by law to raise revenue by the levy and imposition of taxes, and make default in the payment of any judgment secured against said county, upon an action at law for the collection of the principal or interest or any part of either thereof, of any bond of said county, the Treasurer of such county shall thereafter reserve from the

consolidated revenues of said county, as soon as received, money sufficient to pay such judgment.

SECTION 17. This Act shall take effect from the date of its approval.

Approved this 16th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 66.

AN ACT

**TO AUTHORIZE THE PURCHASE OF COUNTY BONDS BY THE
TERRITORY.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Treasurer of the Territory, with the approval of the Governor, is hereby authorized to purchase bonds issued by the several Counties of the Territory in conformity with law, or to loan money to such Counties on the security of such bonds out of any funds that may be available for such purposes, or to accept such bonds as payment for property sold to the Counties, whenever they may deem it for the public interest so to do.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 16th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 67.**AN ACT**

TO PROVIDE FOR THE EXERCISE BY COUNTIES OF THE POWER
OF EMINENT DOMAIN FOR CERTAIN PUBLIC PURPOSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Each County shall have the following specific powers:

To take private property for the purpose of establishing, laying out, extending and widening streets, avenues, boulevards, alleys and other public highways and roads, for pumping stations, water works, reservoirs, wells and public squares, and for rights of way for drains, sewers, pipe lines, aqueducts and other conduits for distributing water to the public, but no private property or right of way over or through the same shall be taken without the consent of the owner thereof until a just compensation for the same shall be ascertained and paid to said owner, or into Court for his use.

SECTION 2. The said County shall not acquire jurisdiction to exercise any of the powers hereinbefore enumerated until a petition in writing therefor is first presented to the Supervisors of said County signed by at least twenty (20) inhabitants of said County taxable therein. Said petition must describe generally the street or highway proposed to be laid out or established, or the proposed alteration by widening or extending the same, or if a right of way is sought for drains, sewers, pipe lines, aqueducts or other conduits, such petition shall describe the proposed route for the same and any such petition shall give the names of the owners, so far as known, of the property to be affected by said improvement. Such petition shall be heard at a regular meeting of the Supervisors, notice of such hearing being given by the clerk by publication in a newspaper

of general circulation for a period of three weeks before hearing. Such notice shall be deemed to give said Supervisors full jurisdiction over the subject matter and over the person of every owner of, or interested in, any parcel of land taken for any such improvement; and every person interested from and after the expiration of such publication shall be deemed to have notice of all subsequent proceedings; provided that nothing herein contained shall be construed to prevent said Supervisors from giving such other or further notice as they may deem proper.

If such improvement shall meet with the approval of the Board of Supervisors they shall appoint three (3) viewers, one of whom must be a surveyor, who, after being duly sworn, to perform the duties of their appointment with fidelity and impartiality, and after reasonable notice to the owners and parties interested in said property to be taken for any such improvement, shall view and survey the proposed improvement and the land to be taken, and shall submit to the Board of Supervisors an estimate of the cost of said improvement and of the amount of damages assessed to the owners of the property to be taken for such improvement, and parties interested therein respectively. Said reviewers shall file their report with the Board of Supervisors for confirmation and if the same be confirmed, the damages so assessed shall be paid to the owners.

SECTION 3. If any award of damages is not accepted within thirty (30) days from the date of the award by the Board of Supervisors, it shall be deemed rejected by the land owners, and the Board may by order, direct proceedings to procure the land or rights of way necessary for said improvement to be instituted by the County Attorney on behalf of the County against all non-accepting land owners; the County shall be the plaintiff in all actions for said purpose.

SECTION 4. The proceedings to be taken on behalf of the County for the condemnation of property as provided in this

Act, shall be taken and had in accordance with Sections 496 to 507, both inclusive, of the Revised Laws of Hawaii.

SECTION 5. All laws or parts of laws inconsistent herewith are hereby repealed.

SECTION 6. This Act shall take effect from the date of its approval.

Approved this 17th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 68.

AN ACT

RELATING TO FURIOUS AND HEEDLESS DRIVING OR RIDING,
AMENDING SECTIONS 3115 AND 3116 OF THE REVISED
LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3115 of the Revised Laws is hereby amended by inserting therein, immediately after the word "any" in line 3, the words "carriage, wagon, buggy, omnibus, cart, bicycle, automobile, motor cycle, locomobile, or other," so that said section, as amended, shall read as follows:

"Section 3115. Furious or heedless; punishment. Whoever furiously or heedlessly of the safety of others, rides any horse or other animal, or drives or conducts any carriage, wagon, buggy, omnibus, cart, bicycle, automobile, motor cycle, locomobile, or other vehicle, and thereby imminently endangers

the personal safety of any person, shall be punished by a fine not less than five dollars nor exceeding five hundred."

SECTION 2. Section 3116 of the Revised Laws is hereby amended by inserting therein, immediately after the word "any" in line 3, the words "carriage, wagon, buggy, omnibus, cart, bicycle, automobile, motor cycle, locomobile, or other" so that said section, as amended, shall read as follows:

"Section 3116. Same. Whoever furiously or heedlessly of the safety of others, rides any horse or other animal, or drives or conducts any carriage, wagon, buggy, omnibus, cart, bicycle, automobile, motor cycle, locomobile, or other vehicle, though at the time the personal safety of any person be not endangered thereby, shall be punished by fine not less than five dollars nor exceeding one hundred."

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 17th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 69.**AN ACT**

**TO AMEND CHAPTER 28 OF THE REVISED LAWS OF HAWAII
BY ADDING TO SAID CHAPTER A SECTION TO BE KNOWN
AS SECTION 389A.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 28 of the Revised Laws of Hawaii is hereby amended by adding a new section thereto to be known as Section 389A and to read as follows:

“Section 389A. It shall be the duty of the Board to make rules and regulations, and to amend the same from time to time, in its discretion, subject to the approval of the Governor, for and concerning the importation into the Territory of bees and for the preservation, protection and improvement of bees now within the Territory; and for the quarantine, inspection, fumigation, disinfection, exclusion or destruction either upon importation into the Territory or at any time or place within the Territory of any bees and any box or other container and their contents in which bees have been imported or contained, which is or may be infested with or liable to assist in the transmission or dissemination of any insect or disease injurious to bees. All rules and regulations made as aforesaid shall have the force and effect of law. It shall be the duty of the Board to establish an observational apiary and all bees imported into the Territory shall be there quarantined free of cost to the owners until such time shall have elapsed as to enable the proper entomologist or inspector of the Board, to certify to the owners that such bees are clean and free from disease. The entomologists or inspectors of the Board may enter upon the premises of any bee keeper for the purpose of inspecting apiaries, and of carrying out the orders of the Board and they shall

not be holden guilty of any misdemeanor by so doing nor shall they be personally liable in damages except for acts beyond the scope of their authority or due to their own negligence.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 17th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 70.

AN ACT

TO PROVIDE FOR THE REGULATION OF BARBER SHOPS.

Be it Enacted by the Legislature of the Territory of Hawaii.

SECTION 1. The Board of Health of the Territory of Hawaii shall have within its discretion, power to prescribe rules and regulations for establishing sanitary conditions under which the business of barbers and hairdressers may be carried on.

SECTION 2. Any person or persons violating any rules or regulations authorized by Section 1 of this Act shall, upon conviction thereof, be fined not less than ten dollars nor more than twenty-five dollars.

SECTION 3. This Act shall take effect on the day of its approval.

Approved this 17th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 71.**AN ACT**

LEGITIMATING CHILDREN IN CERTAIN CASES, AMENDING SECTION 2288 OF THE REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2288 of the Revised Laws is hereby amended so as to read as follows:

“Section 2288. All children born out of wedlock, irrespective of the marriage of either parent to another, become legitimate on the marriage of the parents with each other and are entitled to the same rights as those born in wedlock.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 17th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 72.**AN ACT**

TO AMEND SECTION 2230 OF THE REVISED LAWS OF HAWAII
AS AMENDED BY ACT 19 OF THE SESSION LAWS OF 1905
RELATING TO ANNULMENT, DIVORCE AND SEPARATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2230 of the Revised Laws of Hawaii as amended by Act 19 of the Session Laws of 1905, is hereby amended by adding the following paragraph thereto:

“In all cases where a decree of divorce is asked for by a person who has contracted the disease known as Chinese Leprosy and is confined at the Leper Settlement on the Island of Molokai, the libel for said divorce shall be filed by the Clerk of the Court, without the requirement of the deposit of any costs or fees whatsoever.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 17th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 73.

AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF PAYING THE
CLAIMS OF POLICE OFFICERS OF THE COUNTY OF HAWAII,
TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums, amounting to Five Thousand, Four Hundred and Fifty-nine Dollars and nine cents (\$5,459.09), are hereby appropriated to be paid out of all moneys in the Treasury of the County of Hawaii, Territory of Hawaii, received from all current receipts of the general revenues of said County, for the payment of claims of Police Officers of said County, in the year 1905, who were employed by said County through its Supervisors:

SOUTH HILO.

| | |
|--|----------|
| N. K. Lyman, Clerk | \$ 75.00 |
| T. M. Rowland, Captain of Police | 390.00 |
| J. P. Hale, Lieutenant | 238.35 |
| Wm. Koolau, Policeman | 198.30 |
| J. N. Kaina, Policeman | 173.30 |
| S. Anakalea, Policeman | 40.00 |
| Wm. Nalimu, Station Clerk..... | 151.10 |
| D. Namahoe, Policeman | 168.35 |
| T. Nakayama, Policeman | 12.90 |
| Joe Cooke, Policeman | 173.30 |
| M. Lonoaea, Mounted Police | 303.33 |
| H. Canario, Mounted Police | 303.30 |
| O. Yataro, Japanese Officer | 120.00 |
| Akima Brown, Chinese Officer | 133.30 |

NORTH HILO.

| | |
|--|--------|
| E. K. Simmons, Captain of Police | 195.00 |
| J. W. Kekoa, Police | 135.00 |
| S. Konia, Policeman | 86.10 |
| Chas. Kaohu, Policeman | 64.02 |

HAMAKUA.

| | |
|----------------------------------|--------|
| J. Kauakahi | 173.30 |
| Joe de Coito, Policeman | 206.60 |
| B. Nakupuna, Policeman | 40.00 |
| John Ai, Policeman | 133.30 |
| M. Kahookaamoku, Policeman | 133.30 |

SOUTH KOHALA.

| | |
|-------------------------------|--------|
| James Steven, Policeman | 141.10 |
| James Laau, Policeman | 108.30 |

NORTH KONA.

| | |
|---------------------------------------|--------|
| J. N. Koqmoa, Captain of Police | 200.00 |
|---------------------------------------|--------|

| | |
|----------------------------------|--------|
| W. J. K. Nahale, Policeman | 116.10 |
| H. L. Kawewehi, Policeman | 151.10 |

SOUTH KONA.

| | |
|--|--------|
| O. M. Kekuewa, Captain of Police | 50.00 |
| J. G. Machado, Policeman | 151.10 |
| Oliver Kua, Policeman | 107.13 |

KAU.

| | |
|------------------------------------|--------|
| J. Ikaaka, Captain of Police | 200.00 |
| O. K. Apiki, Policeman | 132.71 |
| Kele Pinao, Policeman | 156.10 |

PUNA.

| | |
|-----------------------------------|------------|
| D. H. Kenoi, Policeman | 40.00 |
| J. S. Kamelamela, Policeman | 125.00 |
| C. E. Elderts | 133.30 |
| | <hr/> |
| | \$5,459.09 |

SECTION 2. The Auditor of the County of Hawaii is hereby ordered and authorized to issue warrants to the persons whose names are stated in Section 1 of this Act.

SECTIONN 3. The Auditor of the County of Hawaii shall not issue warrants in payment of any of the above amounts, unless receipts in full are filed therefor by the persons named in Section 1 of this Act.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 17th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 74.**AN ACT**

TO AMEND SECTION 2566A OF CHAPTER 157 OF THE REVISED LAWS OF HAWAII, ENACTED BY SECTION 1 OF ACT 91 OF THE SESSION LAWS OF 1905.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2566A of Chapter 157 of the Revised Laws of Hawaii, enacted by Section 1 of Act 91 of the Session Laws of 1905 is hereby amended so as to read as follows:

a) "Section 2566A. Fees. On filing any certificate or other paper, relative to corporations, in the office of the Treasurer of the Territory, in addition to the stamp duty and recording fee now charged, the following fees and taxes shall be paid to the Treasurer of the Territory for the use of the Territory. For certificate of incorporation, twenty cents for each thousand dollars of the total amount of capital stock authorized, but in no case less than twenty-five dollars; increase of capital stock, twenty cents for each thousand dollars of the total increase authorized, but in no case less than twenty dollars; co-partnerships of corporations, twenty cents for each thousand dollars of capital authorized beyond the total authorized capital of the corporations composing such co-partnerships, but in no case less than twenty-five dollars; extension or renewal of corporate existence of any corporation, the same as required for the original certificate of organization by this Act; (dissolution of corporation), change of name, change of nature of business, amended certificates of organization (other than those authorizing increase of capital stock), decrease of capital stock, increase or decrease of par value or of number of shares, twenty-five dollars; (for filing annual exhibit of domestic and foreign corporations ten dollars;) and for all certificates not hereby provided for, five dollars. Provided that none of these

additional fees shall be required to be paid by any religious, charitable, educational or other corporation which does not issue shares of capital stock, nor by any other corporation which is not organized for pecuniary profit." (4)

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 17th day of April A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 75.

AN ACT

RELATING TO CHANGE OF NAME, AMENDING SECTION 2350
OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2350 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

"Section 2350. HOW CHANGED. It shall not be lawful to change any name adopted or conferred under this Chapter, except upon a decree of the Governor, which decree shall be founded upon the petition of the person desirous of changing his or her name and shall be published for at least four consecutive weeks in some newspaper of general circulation in the Territory of Hawaii in such decree mentioned. Provided, however, that nothing in this chapter contained shall prevent any court or judge of competent jurisdiction from embodying in a

decree of adoption a provision for change of name of the person adopted, or from embodying in a decree of divorce a provision that a married woman may upon such divorce resume the use of her maiden name. In all cases of change of name, whether by judicial decree as aforesaid or by decree of the Governor, such decree or a certified copy thereof shall be recorded in the office of the Registrar of Conveyances of said Territory. All changes of name made by decree of any Governor of said Territory, or by the President of the Republic of Hawaii, or by the President of the Provisional Government of Hawaii, or any King or Queen of the Hawaiian Islands, are hereby ratified and confirmed."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 17th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 76.

AN ACT

IN RELATION TO THE LICENSING OF TRUST COMPANIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The annual fee for a license for Trust Companies doing business in the Territory of Hawaii, under Act 69 of the Session Laws of 1905, approved on the 25th day of April 1905, shall be Two hundred and fifty dollars.

SECTION 2. The said license shall be issued and payments made in the same manner as provided for the issuance of other licenses by Chapter 102 of the Revised Laws of Hawaii and Act 32 of the Session Laws of 1905.

SECTION 3. This Act shall take effect July 1st, A. D. 1907.

Approved this 17th day of April A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 77.

AN ACT

AMENDING SECTION 1223 OF THE REVISED LAWS OF HAWAII
RELATING TO THE EXEMPTION FROM TAXATION OF PROP-
ERTY USED IN CERTAIN INDUSTRIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 1223 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 1223. Property used in certain industries. For the five years from December 31, 1907, all property, real and personal, solely and actually used in the cultivation and production of sisal fibre, castor oil, copra, vanilla extract, Hawaiian starch, pineapples, arrowroot and manioca starch (Kasawa), shall be exempt from property taxes thereon; provided, however, that such exemption shall not apply to any land in excess of forty acres so used by any one person, firm or corporation in the cultivation and production of pineapples.”

SECTION 2. This Act shall take effect from and after the date of its approval.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of all of the elective members of the Senate and House of Representatives of the Territory of Hawaii, on the 17th day of April, A. D., 1907.

E. F. BISHOP,

President of the Senate.

WILLIAM SAVIDGE,

Clerk of the Senate.

H. L. HOLSTEIN,

Speaker, House of Representatives.

JNO. H. WISE,

Clerk, House of Representatives.

ACT 78.

AN ACT

**TO PROVIDE FOR THE VOTING OF A PERSON WHO HAS FAILED
TO REGISTER AS A VOTER.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. No qualified elector shall be disqualified from voting by reason of his failure to register, if such failure be caused by sickness or absence from the Territory during the last preceding registration period, provided that he shall make and present to the Board of Registration not later than the day preceding any election an affidavit in writing showing that his failure to register was caused by such sickness or absence, and

shall also set forth in said affidavit his place of residence and the facts necessary to show that he is a qualified voter in said precinct, and shall prove before said Board by affidavit of two qualified electors of the precinct in which he offers to vote that he is a qualified elector of the Territory and of the said precinct, stating the length of time said elector has resided in his representative district and in the Territory, and that such person offering to vote was absent from the Territory or by reason of sickness unable to register during the last preceding registration period. The aforesaid affidavits shall be subscribed and sworn to before a member of the Board of Registration.

If it shall appear from said affidavits and be manifest to the Board of Registration that said elector desiring to vote has failed to register because of sickness or absence from the Territory as aforesaid, such Board shall immediately remedy such failure to register by adding the name of such elector to the register of voters, and if a copy of the register has been sent to the election precinct in which said elector is entitled to vote, shall immediately, in writing, order the inspectors of election of such precinct to correct such copy of the register by adding the name of such elector. Such order shall set forth the reasons for the actions directed to be taken, and shall be retained and filed by the inspectors of election as a part of the records of the election.

SECTION 2. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 19th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 79.**AN ACT**

TO AMEND SECTION 1 OF ACT 64 OF THE SESSION LAWS OF 1905, RELATING TO THE ISSUANCE OF CERTIFICATES OF HAWAIIAN BIRTH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 1 of Act 64 of the Session Laws of 1905 be and the same is hereby amended so as to read as follows:

"Section 1. The Secretary of Hawaii may, whenever satisfied that any person was born within the Hawaiian Islands issue to such person a certificate showing such fact. Said Secretary may prescribe and furnish the printed form in which applications for such certificates shall be made, the method of proof and kind of evidence to be furnished, and the form of such certificates. Said Secretary may also examine, under oath, any applicant or any person cognizant of the facts regarding any applicant; and for that purpose is hereby authorized to administer oaths. A fee of Two Dollars and Fifty Cents (\$2.50) shall be charged by said Secretary before issuing any certificate; all such fees received shall be paid by said Secretary to the Treasurer of the Territory as Government Realizations.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 19th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 80.

AN ACT

RELATING TO JURIES, AMENDING SECTIONS 1779, 1780, 1782
AND 1782A, OF THE REVISED LAWS AS AMENDED BY ACT
74 OF THE LAWS OF 1905.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1779 of the Revised Laws as amended by Section 4 of Act 74 of the Laws of 1905 is hereby amended so as to read as follows:

“Section 1779. The clerk shall file such certified lists at least ten days before the next term of Court, write the names contained in such lists on separate pieces of paper of the same size and appearance, fold each piece so as to conceal the name thereon, and deposit the pieces containing the names of persons selected as grand jurors and trial jurors respectively in appropriate boxes to be called the grand jury box and the trial jury box respectively. He shall then in the presence of the Judge, after first shaking the grand jury box so as to thoroughly mix the pieces therein contained, draw therefrom by lot the names of not less than thirteen nor more than twenty-three persons to serve as grand jurors and in the same manner from the trial jury box the names of not less than eighteen nor more than twenty-six persons to serve as trial jurors at the ensuing term; provided that each Judge, if there is more than one Judge of the Court, may for such term direct that a sufficient number of persons to serve as trial jurors be drawn and summoned to appear before each or any one or more of the judges, and may also direct that the grand jurors be drawn and summoned to appear before him or another judge. A certificate containing lists of the names of the persons thus drawn as grand and trial jurors respectively and a true statement of all the essential facts of such drawings signed by the judge and attested by the clerk

shall then be filed; provided, that no drawing of grand jurors or trial jurors need be made for any term if in the opinion of the judge it is unnecessary.

Such drawings shall be in public, after at least one week's publication of notice of the time and place of the same, in a newspaper of general circulation, printed and published in the circuit within which said drawing shall take place, if there is such a newspaper printed and published in such circuit, otherwise after one week's posting of such notice in at least three conspicuous places in such circuit."

SECTION 2. Section 1780 of the Revised Laws as amended by Section 5 of Act 74 of the Laws of 1905 is hereby amended so as to read as follows:

"Section 1780. After adjournment of the Court for any term at which jurors have attended and served, and after any panel or number of jurors has been excused under Section 1775, the clerk shall inclose the pieces of paper containing the names of those who so attended and served, or who were so excused, in an envelope under seal, stating thereon the term of time, and such names shall not be returned to the jury box or boxes except as hereinafter provided. The names of all those who have been excused by reason of exemption or disqualification shall be placed in a separate envelope marked for that purpose and shall not be returned to the jury box or boxes so long as such exemption or disqualification shall continue. All other names shall remain in or be returned to the appropriate jury box or boxes, which shall then be and remain locked until the judge shall order it or them to be opened for the next drawing.

At least ten days before any succeeding term or time at which jurors shall be needed, jurors shall be drawn as nearly as may be in the manner above specified from the names re-

maining in the appropriate jury box or boxes; provided that, whenever the appropriate jury box contains no names or an insufficient number of names for the required purpose, the clerk may under the direction and in the presence of the judge open the envelope containing the names of those who have served, or been excused under Section 1775, at the most remote term or time of that year and deposit the names in the appropriate jury box for the purpose of being drawn as above prescribed. Whenever necessary the other envelopes may be opened and their contents deposited in the appropriate jury box in the order in which the envelopes were sealed."

SECTION 3. Section 1782 of the Revised Laws as amended by Section 6 of Act 74 of the Laws of 1905 is hereby amended so as to read as follows:

"Section 1782. Whenever a sufficient number of jurors are not drawn or summoned, or whenever a sufficient number of jurors regularly drawn and summoned, as hereinbefore provided, do not appear or cannot be obtained, to form a grand jury, or a trial jury in any case, civil or criminal, the Court may order the sheriff to summon additional grand jurors or talesmen as may be required. Three additional grand jurors and three talesmen for trial jurors may be summoned from among the bystanders, if no objection is made by any party interested. If more than three additional grand jurors, or more than three talesmen for trial jurors should be required, or if objection be made to summoning any bystanders, the court shall then, and thereafter as often as occasion may require, direct that from the appropriate jury box may be drawn names sufficient in number to fill said grand jury panel so that the same may then contain not less than 13 or more than 23 grand jurors, or, if the deficiency be in the trial jury, that from the appropriate jury box may be drawn names not more than 26 in number for the purpose of filling the panel and acting as trial jurors for the residue of the term; whereupon the

court shall direct the sheriff to summon the persons whose names have been thus drawn to appear forthwith for the purpose or purposes aforesaid."

SECTION 4. Section 1782A of the Revised Laws as amended by Section 7 of Act 74 of the Laws of 1905 is hereby amended so as to read as follows:

"Section 1782A. If for any reason at any term of a Circuit Court, either of the certified lists aforesaid of persons to serve as jurors for that year made and filed by the Jury Commissioners, shall be exhausted, and more jurors shall be needed, the presiding judge, together with the clerk of the court, may select and file a new list of as many jurors as may be necessary, and from such new list a new venire or venires may while such exhaustion in the original list continues be drawn and summoned to appear forthwith."

SECTION 5. This Act shall take effect upon its approval.

Approved this 19th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 81.

AN ACT

**TO ESTABLISH THE HAWAIIAN LIBRARY AND TO PROVIDE FOR
ITS CARE AND MANAGEMENT.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby created a Board of Trustees of the Hawaiian Library; such Board shall consist of three mem-

bers, who shall be residents of the Territory of Hawaii and over twenty-five years of age and shall be appointed by the Governor, by and with the advice and consent of the Senate; one member of the Board shall be appointed for the term of one year and until his successor is duly appointed, one for the term of two years and until his successor is duly appointed, and one for the term of three years and until his successor is duly appointed, and their successors shall thereafter be appointed for the terms of three years and until their successors are duly appointed. In case any member of the Board shall die, resign or become incapacitated to serve, the Governor shall appoint some other qualified person to fill such vacancy for the balance of such term, which appointee shall serve only until the close of the next Session of the Senate, unless confirmed by the Senate.

SECTION 2. The members of said Board shall serve without pay, but their expenses necessary and incidental to the proper performance of their duties shall be paid out of such funds as may be appropriated by the Legislature for the Support of Circulating Public Library.

SECTION 3. It shall be the duty of the Board to care for, manage and control all property set apart or in any manner acquired by the Territory for the use, maintenance and support of a free, public, circulating library; to collect, purchase and acquire all books and other publications proper to such a library, and to arrange, classify and catalogue the same; to provide for their safe keeping; to expend moneys appropriated by the Legislature and otherwise acquired for the development, use, support and maintenance of the library; to provide ways and means for placing the library within reach of all residents throughout the Territory and particularly of all public and private school children; to make such contracts as may be necessary to carry into effect the general duties herein imposed; and to make rules and regulations for its own guidance, for

the management and use of the library, and for the control of the property under its management. The Board shall have all the powers necessary to carry out the duties imposed upon it by law.

SECTION 4. The Board shall also have the power, with the approval of the Governor, to make any agreements on behalf of the Territory with any County, Corporation, Association, persons or person, the direct objects of which shall be the benefit of the library or the increase of its facilities and use. These objects may also include the co-operation in the use of and exchange with libraries now existing or hereafter to be formed. Nothing in this section contained shall be construed to limit the powers and duties of the Board hereinbefore expressed, or to empower it to obligate the Territory financially in any sum which shall not have been appropriated by the Legislature for the use of the library.

SECTION 5. The Board shall make annual reports to the Governor, which shall include a statement of moneys received and expended. The Governor shall present such reports to the Legislature.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 82.

AN ACT

**AMENDING CHAPTER 176 OF THE REVISED LAWS OF HAWAII,
RELATING TO CORONERS' INQUESTS, BY ADDING THERETO
A NEW SECTION, TO BE KNOWN AS SECTION 2745A.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 176 of the Revised Laws of Hawaii is hereby amended by adding thereto a new section, to be known as "Section 2745A" which shall read as follows:

"Section 2745A. Every Coroner shall, without delay, forward to the Attorney General of the Territory of Hawaii, a true and correct copy of the inquisition, verdict, written evidence and all recognizances and examinations by him taken."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 83.**AN ACT**

TO AMEND SECTIONS 1804 AND 1805 OF THE REVISED LAWS OF HAWAII, RELATING TO JUDGMENTS, EXECUTIONS AND NEW TRIALS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1804 of the Revised Laws, as amended by Section 1 of Act 36 of the Session Laws of 1905, is hereby amended so as to read as follows:

“Section 1804. Judgment may be entered by the clerk immediately upon the rendition of a verdict, judgment or decision, and execution may issue thereon at any time thereafter unless stayed as provided by law.”

SECTION 2. Section 1805 of the Revised Laws, as amended by Section 2 of Act 36 of the Session Laws of 1905, is hereby amended so as to read as follows:

“Section 1805. The filing, within ten days, after verdict, judgment or decision, of a motion for a new trial and a bond conditioned for the payment of all costs of the motion in case it is not sustained and that the moving party will not to the detriment of the opposite party remove or otherwise dispose of any property he may have liable to execution, shall operate as a stay of execution until the motion is decided; provided that if execution shall have issued within ten days after the entry of judgment upon any verdict, judgment or decision, such execution may be stayed in the hands of the officer executing the same by the filing by the judgment debtor of a bond approved by the court or judge conditioned for the payment of the full amount for which such execution was issued in case the judgment shall not be reversed or set aside on any appeal. Noth-

ing in this proviso contained shall affect any other part of this Section."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 84.

AN ACT

TO AMEND SECTIONS 3039 AND 3040 OF THE REVISED LAWS
OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 3039 of the Revised Laws of Hawaii be and the same is hereby amended so as to read as follows:

"Section 3039. First Degree; Punishment. Whoever willfully and maliciously, or fraudulently burns in the night any building, vessel or structure whatsoever, or the contents of such building, vessel or structure or any portion thereof, whether partly or wholly his own or that of another, by the burning of which another might be injured, where the building, vessel or structure with the contents of such building, vessel or structure is of the value of One Thousand Dollars or more, is guilty of malicious burning in the first degree, and shall be punished by imprisonment for life at hard labor, or any number of years, in the discretion of the Court."

SECTION 2. That Section 3040 of the Revised Laws of Hawaii be and the same is hereby amended so as to read as follows:

"Section 3040. Where the burning mentioned in the preceding Section is in the day, the offender is guilty of malicious burning in the second degree, and shall be punished by imprisonment at hard labor not more than ten years.

Whoever willfully and maliciously, or fraudulently burns, either in the night or day, any building, vessel or structure whatsoever, or the contents of such building, vessel or structure or any portion thereof, whether partly or wholly his own or that of another, by the burning of which another might be injured where the building, vessel or structure, with the contents of such building, vessel or structure is of the value of Five Hundred Dollars or over, and less than One Thousand Dollars, is guilty of malicious burning in the second degree, and shall be punished by imprisonment at hard labor not more than ten years."

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 19th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 85.**AN ACT**

**TO REQUIRE THE FURNISHING OF INFORMATION REGARDING
THE POSSESSION AND OWNERSHIP OF FIRE ARMS AND AM-
MUNITION WITHIN THE TERRITORY OF HAWAII.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. From and after forty days after the passage of this Act, any person, firm, corporation or copartnership, resident or doing business within the Territory of Hawaii having in his, its or their possession any fire arm or fire arms or any ammunition capable of causing death or inflicting great personal injury, who shall fail to file a description of the same in the manner provided by this Act shall be deemed guilty of a misdemeanor and punished as this Act provides. Any person, firm, corporation or copartnership being in possession of such fire arm or fire arms and or ammunition, shall file with the County Clerk of the County in which he, they or it resides or does business, a description of the fire arm or fire arms or and ammunition owned by him, it or them, or in his, its or their possession, which description shall set forth the class of fire arm or fire arms or and ammunition so owned and possessed, together with the name of the maker and the factory number when such number appears on said fire arm or fire arms or ammunition. In all cases where the owner or possessor of said fire arm or fire arms or and ammunition is unable to furnish all of the information herein and hereby required, he shall furnish as much as may be possible and in such manner as may be required by said County Clerk.

SECTION 2. It shall be the duty of the County Clerk of such County to prepare and furnish to all persons applying therefor, proper blanks upon which such information shall be furnished, in the following form:

REPORT OF FIRE ARMS AND AMMUNITION IN POSSESSION.

By Residing at number
 Street (or locality)
 County of Territory of Hawaii 190..

| Name of Owner | Name of Possessor | No. | Description | Makers Name | Factory No. | Number Disposed of and Date |
|---------------|-------------------|-----|--------------|-------------|-------------|-----------------------------|
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| | | | | | | |
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| | | | | | | |
| | | | | | | |
| | | | | | | |
| Total Number | | | Total Number | | | |

I hereby certify that the above and foregoing list contains a full, true and correct statement and description of all the fire arms and ammunition owned by me or in my possession during the period from to 190..

.....
 Signature of Owner or Possessor.

SECTION 3. It shall be the further duty of the County Clerk to enter in a book to be provided for such purpose all informa-

tion thus furnished him relative to the ownership and possession of fire arms and ammunition, which book shall be an exact duplication of the descriptions furnished. And further to furnish to the Governor of the Territory of Hawaii not later than the 20th day of January and the 20th day of July of each and every year, an exact report and complete copy of the descriptions and information so furnished as aforesaid.

SECTION 4. It shall be the duty of every person, firm, corporation and copartnership dealing in fire arms or and ammunition, to furnish to the County Clerk of the County in which such person resides or wherein such business is carried on, on the first day of January and the first day of July of each and every year, a list of all fire arms and ammunition in his, their or its possession, and likewise at the times mentioned furnish to such County Clerk a list of all arms brought into the Territory, in transit or otherwise, by him, them or it during the six months next preceding such date upon which such list and description is required to be filed; the lists thus to be furnished by such dealers in fire arms and ammunition shall comply as nearly as possible with the requirements of Sections one and two of this Act, as may be determined by such County Clerk.

SECTION 5. The records provided by this Act to be kept shall not be treated as records subject to public inspection, and the facts therein set forth shall be made public by such County Clerk or Clerks only upon the request of the Governor of the Territory of Hawaii, or upon the order of a Court for the purposes of procuring and introducing evidence showing or tending to show a violation of this Act.

SECTION 6. Any person found in the possession of any fire arm or fire arms or any ammunition without having complied with the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined by the Court of appropriate jurisdiction in a sum of not more than Five Hundred (\$500.00) Dollars. Any person, firm, corporation or copartnership failing to file any information herein

required to be filed, shall be deemed guilty of a misdemeanor and upon conviction shall be fined by the court of appropriate jurisdiction not more than Five Hundred (\$500.00) Dollars. Any County Clerk divulging any of the information contained in such records other than as herein permitted shall be deemed to be guilty of a misdemeanor and fined in a sum not exceeding Twenty-five (\$25.00) Dollars.

SECTION 7. Nothing in this Act set forth shall be held to require any of the authorities of the United States of America carrying arms by virtue of their office, nor any of the authorities of the Territory of Hawaii, including the organized militia, carrying arms by virtue of their office, nor any of the authorities of any county or municipality so carrying arms, to furnish the description or information herein required.

SECTION 8. This Act shall take effect from and after the date of its approval.

Approved this 19th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 86.

AN ACT

**TO ENCOURAGE THE CONSTRUCTION OR DEVELOPMENT OF RAIL-
ROADS IN THE TERRITORY OF HAWAII.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. For the term of ten years from and after the first day of January 1908 all of the property both real and

personal of any person, company or corporation actually and solely used in the workings and operations of a railroad which shall be constructed within five years from January 1st, 1908, and which railroad such person, company or corporation shall carry on exclusively in the business of a common carrier shall be exempt from all property taxes both Territorial and County. Provided, such railroad shall be not less than five continuous miles in length and shall be in good running order and condition and approved by the Superintendent of Public Works.

SECTION 2. The exemption contained in Section 1 of this Act shall extend not only to new railroads but also to every new branch or extension of any existing railroad.

SECTION 3. This Act shall take effect on December 31st, 1907.

Approved this 19th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 87.

AN ACT

**AMENDING SECTION 1727 OF THE REVISED LAWS OF HAWAII
RELATING TO CIVIL PROCEDURE.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1727 of the Revised Laws of Hawaii is hereby amended by striking out the words "After either of these answers there shall be no further pleading" in lines ten and eleven of said Section 1727.

SECTION 2. This Act shall take affect from and after the date of its approval.

Approved this 19th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 88.

AN ACT

AUTHORIZING RAILROAD COMPANIES TO OPERATE THEIR RAILROADS BY MOTIVE POWER OTHER THAN STEAM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All railroad companies now or hereafter authorized under the laws of the Territory of Hawaii to operate their railroads by steam power shall have the right to operate their railroads or any portion of the same by electric power, either by overhead or underground wires or by storage batteries, or by such other methods as may be an improvement upon either; or by compressed air; or by such other motive power as said railroad companies may from time to time elect, provided, however, that a part of such railroad may be operated by one motive power while another or other portions thereof may be operated by another or other motive powers.

SECTION 2. Said Railroad Companies with the consent of the Superintendent of Public Works shall have the right to provide, construct and install, maintain, change and repair such means for the transmission and return of electric, compressed air, or other motive power for the such motive purposes along, upon and over such highways, streets or roads

upon which they have rights of way by franchise as may from time to time be necessary for the operation of said railroads, provided, however, that said railroad companies shall so exercise this right that unnecessary injury or deterioration shall not occur nor be done to the water pipes, sewer pipes, gas pipes, or other property of the Territory, or of any person or corporation and shall save the said Territory, or any person or corporation harmless and indemnified from all loss, cost, damage and expense by reason thereof.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 20th Day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 89.

AN ACT

RELATING TO NEGOTIABLE INSTRUMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

NEGOTIABLE INSTRUMENTS IN GENERAL.

Form and Interpretation.

SECTION 1. An instrument to be negotiable must conform to the following requirements:

1. It must be in writing and signed by the maker or drawer;
2. Must contain an unconditional promise or order to pay a sum certain in money;

3. Must be payable on demand, or at a fixed or determinable future time;

4. Must be payable to order or to bearer; and,

5. Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

SECTION 2. The sum payable is a sum certain within the meaning of this Act, although it is to be paid;

1. With interest, or

2. By stated instalments; or

3. By stated instalments, with a provision that upon default in payment of any instalment or of interest, the whole shall become due; or

4. With exchange, whether at a fixed rate or at the current rate; or

5. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

SECTION 3. An unqualified order or promise to pay is unconditional within the meaning of this Act, though coupled with:

1. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or

2. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional.

SECTION 4. An instrument is payable at a determinable future time, within the meaning of this Act, which is expressed to be payable:

1. At a fixed period after date or sight; or
2. On or before a fixed or determinable future time specified therein; or
3. On or at fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

SECTION 5. An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:

1. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or
2. Authorizes a confession of judgment if the instrument be not paid at maturity; or
3. Waives the benefit of any law intended for the advantage or protection of the obligor; or
4. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this Section shall validate any provision or stipulation otherwise illegal.

SECTION 6. The validity and negotiable character of an instrument are not affected by the fact that:

1. It is not dated; or

2. Does not specify the value given, or that any value has been given therefor; or

3. Does not specify the place where it is drawn or the place where it is payable; or

4. Bears a seal; or

5. Designates a particular kind of current money in which payment is to be made.

But nothing in this Section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

SECTION 7. An instrument is payable on demand:

1. Where it is expressed to be payable on demand, or at sight, or on presentation; or:

2. In which no time for payment is expressed.

Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

SECTION 8. The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order or:

1. A payee who is not maker, drawer, or drawee; or

2. The drawer or maker; or

3. The drawee; or

4. Two or more payees jointly; or

5. One or some of several payees; or

6. The holder of an office for the time being.

Where the instrument is payable to order the payee must be named or otherwise indicated therein with reasonable certainty.

SECTION 9. The instrument is payable to bearer:

1. When it is expressed to be so payable; or
2. When it is payable to a person named therein or bearer;
or
3. When it is payable to the order of a fictitious or non-existing person, and such fact was known to the person making it so payable; or
4. When the name of the payee does not purport to be the name of any person; or
5. When the only or last indorsement is an indorsement in blank.

SECTION 10. The instrument need not follow the language of this Act, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

SECTION 11. Where the instrument or an acceptance of any indorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance or indorsement, as the case may be.

SECTION 12. The instrument is not invalid for the reason only that it is ante-dated or post-dated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument is delivered, acquires the title thereto as of the date of delivery.

SECTION 13. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable

accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

SECTION 14. Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as a prima facie authority to fill it up as such for any amount. In order, however, that any such instrument when completed may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

SECTION 15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

SECTION 16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring

the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

SECTION 17. Where the language of the instrument is ambiguous or there are omissions therein, the following rules of construction apply:

1. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain reference may be had to the figures to fix the amount;

2. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof;

3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued;

4. Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail;

5. Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either at his election;

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser;

7. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

SECTION 18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

SECTION 19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.

SECTION 20. Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

SECTION 21. A signature by "procuration" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing, acted within the actual limits of his authority.

SECTION 22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from the want of capacity the corporation or infant may incur no liability thereon.

SECTION 23. When a signature is forged or made without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party, against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority.

CONSIDERATION.

SECTION 24. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value.

SECTION 25. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value; and is deemed such whether the instrument is payable on demand or at a future time.

SECTION 26. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

SECTION 27. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

SECTION 28. Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is a defense pro tanto, whether the failure is an ascertained and liquidated amount or otherwise.

SECTION 29. An accommodation party is one who has signed the instrument as maker, drawer, acceptor or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

NEGOTIATION.

SECTION 30. An instrument is negotiated when it is transferred from one person to another in such manner as to consti-

tute the transferee the holder thereof. If payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder completed by delivery.

SECTION 31. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

SECTION 32. The indorsement must be an indorsement of the entire instrument. An indorsement, which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsee severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part it may be indorsed as to the residue.

SECTION 33. An indorsement may be either special or in blank, and it may also be either restrictive or qualified, or conditional.

SECTION 34. A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer and may be negotiated by delivery.

SECTION 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

SECTION 36. An indorsement is restrictive, which either,

1. Prohibits the further negotiation of the instrument; or
2. Constitutes the indorsee the agent of the indorser; or

3. Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

SECTION 37. A restrictive indorsement confers upon the indorsee the right,

1. To receive payment of the instrument;
2. To bring any action thereon that the indorser could bring;
3. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

SECTION 38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse," or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

SECTION 39. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

SECTION 40. Where an instrument, payable to bearer, is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as make title through his indorsement.

Section 41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

SECTION 42. Where an instrument is drawn or indorsed to a person as "Cashier" or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

SECTION 43. Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding if he think fit his proper signature.

SECTION 44. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

SECTION 45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed prima facie to have been effected before the instrument was overdue.

SECTION 46. Except where the contrary appears, every indorsement is presumed prima facie to have been made at the place where the instrument is dated.

SECTION 47. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by a payment or otherwise.

SECTION 48. The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are thereby relieved from liability on the instrument.

SECTION 49. Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

SECTION 50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this Act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

RIGHTS OF THE HOLDER.

SECTION 51. The holder of a negotiable instrument may sue thereon in his own name; and payment to him in due course discharges the instrument.

SECTION 52. A holder in due course is a holder who has taken the instrument under the following conditions:

1. That it is complete and regular upon its face;
2. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact;
3. That he took it in good faith and for value;
4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

SECTION 53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

SECTION 54. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

SECTION 55. The title of a person who negotiates an instrument is defective within the meaning of this Act when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

SECTION 56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

SECTION 57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

SECTION 58. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were non-negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

SECTION 59. Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as holder in due course. But

the last mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

LIABILITIES OF PARTIES.

SECTION 60. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor, and admits the existence of the payee and his then capacity to indorse.

SECTION 61. The drawer by drawing the instrument admits the existence of the payee and his then capacity to indorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

SECTION 62. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance; and admits,

1. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and
2. The existence of the payee and his then capacity to indorse.

SECTION 63. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor, is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

SECTION 64. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser, in accordance with the following rules:

1. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.

2. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

3. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

SECTION 65. Every person negotiating an instrument by delivery or by a qualified indorsement, warrants,

1. That the instrument is genuine and in all respects what it purports to be;

2. That he has a good title to it;

3. That all prior parties had capacity to contract;

4. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision 3 of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

SECTION 66. Every indorser who indorses without qualification, warrants to all subsequent holders in due course;

1. The matters and things mentioned in subdivisions one, two and three of the next preceding section; and

2. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

SECTION 67. Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

SECTION 68. As respects one another, indorsers are liable *prima facie* in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

SECTION 69. Where a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by Section 65 of this Act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

PRESENTMENT FOR PAYMENT.

SECTION 70. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

SECTION 71. Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill

of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

SECTION 72. Presentment for payment, to be sufficient, must be made:

1. By the holder, or by some person authorized to receive payment on his behalf;
2. At a reasonable hour on a business day;
3. At a proper place as herein defined;
4. To the person primarily liable on the instrument, or if he is absent or inaccessible, to any person found at the place where the presentment is made.

SECTION 73. Presentment for payment is made at the proper place:

1. Where a place of payment is specified in the instrument and it is there presented;
2. Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented;
3. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;
4. In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

SECTION 74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

SECTION 75. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

SECTION 76. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative, if such there be, and if, with the exercise of reasonable diligence, he can be found.

SECTION 77. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

SECTION 78. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

SECTION 79. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

SECTION 80. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation and he has no reason to expect that the instrument will be paid if presented.

SECTION 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence.

SECTION 82. Presentment for payment is dispensed with:

1. Where after the exercise of reasonable diligence presentment as required by this Act cannot be made;
2. Where the drawee is a fictitious person;
3. By waiver of presentment, express or implied.

SECTION 83. The instrument is dishonored by non-payment when:

1. It is duly presented for payment and payment is refused or cannot be obtained; or
2. Presentment is excused and the instrument is overdue and unpaid.

SECTION 84. Subject to the provisions of this Act when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon accrues to the holder.

SECTION 85. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday.

SECTION 86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

SECTION 87. Where the instrument is made payable at a bank, it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

SECTION 88. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

NOTICE OF DISHONOR.

SECTION 89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

SECTION 90. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up, would have a right to reimbursement from the party to whom the notice is given.

SECTION 91. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

SECTION 92. Where notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

SECTION 93. Where notice is given by or on behalf of a party entitled to give notice, it enures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

SECTION 94. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he give notice to his principal, he must do so within the same time as if he were the holder and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

SECTION 95. A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is, in fact, misled thereby.

SECTION 96. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by non-acceptance or non-payment. It may, in all cases, be given by delivering it personally or through the mails.

SECTION 97. Notice of dishonor may be given either to the party himself or to his agent in that behalf.

SECTION 98. When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

SECTION 99. Where the parties to be notified are partners, notice to any one partner is notice to the firm, even though there has been a dissolution.

SECTION 100. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

SECTION 101. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

SECTION 102. Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided, must be given within the times fixed by this Act.

SECTION 103. Where the person giving and the person to receive notice reside in the same place notice must be given within the following times:

1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following;

2. If given at his residence, it must be given before the usual hours of rest on the day following;

3. If sent by mail, it must be deposited in the post office in time to reach him in usual course on the day following.

Section 104. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:

1. If sent by mail, it must be deposited in the post office in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

2. If given otherwise than through the post office, then within the time that notice would have been received in due course of mail, if it had been deposited in the post office within the time specified in the last subdivision.

SECTION 105. Where notice of dishonor is duly addressed and deposited in the post office, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mail.

SECTION 106. Notice is deemed to have been deposited in the post office when deposited in any branch post office or in any letter box under the control of the post office department.

SECTION 107. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

SECTION 108. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows:

1. Either to the post office nearest to his place of residence, or to the post office where he is accustomed to receive his letters; or

2. If he live in one place, and have his place of business in another, notice may be sent to either place; or

3. If he is sojourning in another place, notice may be sent to the place where he is sojourning.

But where the notice is actually received by the party within the time specified in this Act, it will be sufficient, though not sent in accordance with the requirements of this section.

SECTION 109. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied.

SECTION 110. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only.

SECTION 111. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

SECTION 112. Notice of dishonor is dispensed with, when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

SECTION 113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control

of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

SECTION 114. Notice of dishonor is not required to be given to the drawer in either of the following cases:

1. Where the drawer and drawee are the same person;
2. When the drawee is a fictitious person or a person not having capacity to contract;
3. When the drawer is the person to whom the instrument is presented for payment;
4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument;
5. Where the drawer has countermanded payment.

SECTION 115. Notice of dishonor is not required to be given to an indorser in either of the following cases:

1. Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument;
2. Where the indorser is the person to whom the instrument is presented for payment;
3. Where the instrument was made or accepted for his accommodation.

SECTION 116. Where due notice of dishonor by non-acceptance has been given, notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted.

SECTION 117. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission.

SECTION 118. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment, as the case may be; but protest is not required except in the case of foreign bills of exchange.

DISCHARGE OF NEGOTIABLE INSTRUMENTS.

SECTION 119. A negotiable instrument is discharged:

1. By payment in due course by or on behalf of the principal debtor;
2. By a payment in due course by the party accommodated, where the instrument is made or accepted for accommodation;
3. By the intentional cancellation thereof by the holder;
4. By any other act which will discharge a simple contract for the payment of money;
5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

SECTION 120. A person secondarily liable on the instrument is discharged:

1. By an act which discharges the instrument;
2. By the intentional cancellation of his signature by the holder;
3. By the discharge of a prior party;
4. By a valid tender of payment made by a prior party;
5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved;
6. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce

the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

SECTION 121. Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

1. Where it is payable to the order of a third person, and has been paid by the drawer; and
2. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

SECTION 122. The holder may expressly renounce his rights against any party to the instrument before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument, discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

SECTION 123. A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled, the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

SECTION 124. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration, and subsequent indorsers.

But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

SECTION 125. Any alteration which changes,

1. The date;
2. The sum payable, either for principal or interest;
3. The time or place of payment;
4. The number or the relations of the parties;
5. The medium or currency in which payment is to be made, or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

BILLS OF EXCHANGE.

Form and Interpretation.

SECTION 126. A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer.

SECTION 127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

SECTION 128. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative or in succession.

SECTION 129. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this Territory. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

SECTION 130. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

SECTION 131. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he may see fit.

ACCEPTANCE.

SECTION 132. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawee. It must not express that the drawee will perform his promise by any other means than the payment of money.

SECTION 133. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill, and, if such request is refused, may treat the bill as dishonored.

SECTION 134. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except

in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

SECTION 135. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person, who, upon the faith thereof, receives the bill for value.

SECTION 136. The drawee is allowed twenty-four hours after presentment, in which to decide whether or not he will accept the bill; but the acceptance, if given, dates as of the day of presentation.

SECTION 137. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

SECTION 138. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill, payable after sight, is dishonored by non-acceptance and the drawee subsequently accepts it, the holder in the absence of any different agreement is entitled to have the bill accepted as of the date of the first presentment.

SECTION 139. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

SECTION 140. An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere.

SECTION 141. An acceptance is qualified, which is:

1. Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated;

2. Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;

3. Local, that is to say, an acceptance to pay only at a particular place;

4. Qualified as to time;

5. The acceptance of some one or more of the drawees, but not of all.

SECTION 142. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or and indorser receives notice of a qualified acceptance, he must, within a reasonable time, express his dissent to the holder, or he will be deemed to have assented thereto.

PRESENTMENT FOR ACCEPTANCE.

SECTION 143. Presentment for acceptance must be made:

1. Where the bill is payable after sight, or in any other case, where presentment for acceptance is necessary in order to fix the maturity of the instrument; or

2. Where the bill expressly stipulates that it shall be presented for acceptance; or

3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

SECTION 144. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged.

SECTION 145. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and:

1. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only;

2. Where the drawee is dead, presentment may be made to his personal representatives;

3. Where the drawee has been adjudged a bankrupt, or an insolvent, or has made an assignment for the benefit of creditors, presentment may be made to him, or to his trustee or assignee.

SECTION 146. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of Section 72 and 85 of this Act. When Saturday is not otherwise a holiday, presentment for acceptance may be made before twelve o'clock noon on that day.

SECTION 147. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the

drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

SECTION 148. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases:

1. Where the drawee is dead, or has absconded, or is a fictitious person or a person not having capacity to contract by bill;
2. Where, after the exercise of reasonable diligence, presentment cannot be made;
3. Where, although presentment has been irregular, acceptance has been refused on some other ground.

SECTION 149. A bill is dishonored by non-acceptance;

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this Act is refused or cannot be obtained; or
2. When presentment for acceptance is excused and the bill is not accepted.

SECTION 150. Where a bill is duly presented, for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance, or he loses the right of recourse against the drawer and indorsers.

SECTION 151. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers

accrues to the holder, and no presentment for payment is necessary.

PROTEST.

SECTION 152. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment, it must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary.

SECTION 153. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify

1. The time and place of presentment;
2. The fact that presentment was made and the manner thereof;
3. The cause or reason for protesting the bill;
4. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

SECTION 154. Protest may be made by,

1. A notary public; or
2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

SECTION 155. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

SECTION 156. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business, or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on the drawee is necessary.

SECTION 157. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

SECTION 158. Where the acceptor has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

SECTION 159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

SECTION 160. When a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

ACCEPTANCE FOR HONOR.

SECTION 161. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security, and is not overdue, any person not being a party already liable thereon may, with consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon, or for the honor of the person for whose account the bill is

drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

SECTION 162. An acceptance for honor *supra* protest must be in writing, and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

SECTION 163. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

SECTION 164. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

SECTION 165. The acceptor for honor, by such acceptance engages that he will, on due presentment, pay the bill according to the terms of his acceptance, provided it shall not have been paid by the drawee, and provided also, that it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him.

SECTION 166. Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor.

SECTION 167. Where a dishonored bill has been accepted for honor *supra* protest or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need.

SECTION 168. Presentment for payment to the acceptor for honor must be made as follows:

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity;

2. If it is to be presented in some other place than the place where it was protested, then it must be forwarded within the time specified in section one hundred and four.

SECTION 169. The provisions of section eighty-one apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

SECTION 170. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him.

PAYMENT FOR HONOR.

SECTION 171. Where a bill has been protested for non-payment, any person may intervene and pay it supra protest for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

SECTION 172. The payment for honor supra protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor, which may be appended to the protest or form an extension to it.

SECTION 173. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

SECTION 174. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

SECTION 175. Where a bill has been paid for honor, all parties subsequent to the party for whose honor it is paid are dis

charged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

SECTION 176. Where the holder of a bill refuses to receive payment *supra protest*, he loses his right of recourse against any party who would have been discharged by such payment.

SECTION 177. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

BILLS IN A SET.

SECTION 178. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill.

SECTION 179. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

SECTION 180. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

SECTION 181. The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

SECTION 182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding

in the hands of a holder in due course, he is liable to the holder thereon.

SECTION 183. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

PROMISSORY NOTES AND CHECKS.

SECTION 184. A negotiable promissory note within the meaning of this Act is an unconditional promise in writing made by one person to another signed by the maker engaging to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

SECTION 185. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions of this Act applicable to a bill of exchange payable on demand apply to a check.

SECTION 186. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

SECTION 187. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

SECTION 188. Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon.

SECTION 189. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with

the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

GENERAL PROVISIONS.

SECTION 190. This Act shall be known as the Negotiable Instruments Law.

SECTION 191. In this Act, unless the context otherwise requires, "Acceptance" means an acceptance completed by delivery or notification.

"Action" includes counter-claim and set-off.

"Bank" includes any person or association of persons carrying on the business of banking, whether incorporated or not.

"Bearer" means the person in possession of a bill or note which is payable to bearer.

"Bill" means bill of exchange, and "note" means negotiable promissory note.

"Delivery" means transfer of possession, actual or constructive, from one person to another.

"Holder" means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof.

"Indorsement" means an indorsement completed by delivery.

"Instrument" means negotiable instrument.

"Issue" means the first delivery of the instrument, complete in form, to a person who takes it as a holder.

"Person" includes a body of persons, whether incorporated or not.

"Value" means valuable consideration.

"Written" includes printed, and "writing" includes print.

SECTION 192. The person "primarily" liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. All other parties are "secondarily" liable.

SECTION 193. In determining what is a "reasonable time" or an "unreasonable time," regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments and the facts of the particular case.

SECTION 194. Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

SECTION 195. The provisions of this Act do not apply to negotiable instruments made and delivered prior to the passage hereof.

SECTION 196. In any case not provided for in this Act, the rules of the law merchant shall govern.

SECTION 197. Section 2389 of the Revised Laws and all other laws inconsistent herewith are hereby repealed.

SECTION 198. This Act shall take effect on the day of its approval.

Approved this 20th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 90.

AN ACT

RELATING TO LICENSES, AMENDING SECTION 1335 OF THE REVISED LAWS OF HAWAII AND REPEALING SECTIONS 1336, 1337, 1338, 1339 AND 1340 THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1335 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 1335. Fee. The annual fee for a license to sell Awa shall be Five Hundred Dollars for the District of Honolulu, One Hundred Dollars for each of the Districts of South Hilo, Wailuku and Lahaina, and Fifty Dollars for each of the other taxation districts of the Territory.”

SECTION 2. Sections 1336, 1337, 1338, 1339 and 1340 of the Revised Laws of Hawaii are hereby repealed.

SECTION 3. This Act shall take effect on the first day of July, 1907.

Approved this 20th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 91.**AN ACT****MAKING ADDITIONAL APPROPRIATIONS FOR THE USE OF THE
DEPARTMENT OF PUBLIC WORKS AND THE BUREAU OF
AGRICULTURE AND FORESTRY.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following additional sums, amounting to Five Thousand Seven Hundred and Fifty-seven Dollars and Sixty Cents (\$5,757.60) are hereby appropriated to be paid out of all monies in the Treasury of the Territory received from all current receipts of the General Revenue for the Current Expenses of the Departments and the pay of employees for the period commencing with the first day of July 1905, and ending with the thirtieth day of June, 1907.

CURRENT EXPENSES.*Departmental Use.***Department of Public Works.**

| | |
|--|-----------|
| Kahului Railroad Company. Services furnished in taking Pilot to and from vessels at Port of Kahului, | |
| 33 trips at \$15.00 per trip | \$ 495.00 |
| Salary D. A. Loebenstein as Inspector Kahaualea Kaola Road, 4 days in July, 1905, at \$4.00 per day | 16.00 |
| Salary Otto Rose, Keeper Kerosene Oil Warehouse and Powder Magazine, Hilo, 8 days in July, 1905, at \$2.50 per day | 20.00 |

| | |
|---|----------|
| W. F. Sanborn. To care and feeding of horses during month of September, 1905, Hanalei-Haena | |
| Road Survey | 26.00 |
| Completion Makiki Reservoir | 5,000.00 |

Bureau of Agriculture and Forestry.

| | |
|---|-------------------|
| To reimburse C. S. Holloway for money paid to the Hawaiian Gazette Company completing Payment for the Report of the Bureau of Agriculture and Forestry for 1905 | 200.60 |
| Total | <u>\$5,757.60</u> |

SECTION 2. This Act shall take effect on the day of its approval.

Approved this 20th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 92.

AN ACT

PROVIDING A SEAL FOR THE DEPARTMENT OF THE ATTORNEY
GENERAL OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Attorney General of the Territory of Hawaii is hereby authorized and directed to procure a proper seal of the Department of the Attorney General with such suitable

inscriptions and devices as he may approve, to be known as the official seal of the Attorney General of the Territory of Hawaii. Such seal shall remain in his custody to be kept and used by him to verify official documents under such rules and regulations as he may prescribe.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 20th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 93.

AN ACT

TO EXEMPT LEPERS AT THE SETTLEMENT, COUNTY OF KALAWAO, FROM TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Any person who has been declared by the Territorial Board of Health to be a leper and is detained and confined as such at the Leper Settlement, County of Kalawao, shall, so long as he or she is so detained and confined, be exempted from the payment of the following taxes, to wit: "Personal Property," "Personal Taxes" and "Specific Taxes."

SECTION 2. This Act shall take effect from and after January 1st, A. D. 1908.

Approved this 23rd day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii

ACT 94.**AN ACT**

MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE COLLEGE OF AGRICULTURE AND MECHANIC ARTS OF THE TERRITORY OF HAWAII, DURING THE TWO YEARS WHICH WILL END WITH THE 30TH DAY OF JUNE, A. D. 1909.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of Ten Thousand (\$10,000) Dollars is hereby appropriated out of any money remaining in the Treasury for and on account of the Loan Fund, for the erection of a building or buildings for the use of the College of Agriculture and Mechanic Arts and the purchase of fixtures, apparatus, and appliances for the same.

SECTION 2. The sum of Fifteen Thousand (\$15,000) Dollars is hereby appropriated to be paid out of all moneys in the Treasury of the Territory received from all current receipts of the general revenue for the use of said College for the biennial period ending June 30th, 1909, as follows:

| | |
|-----------------------------|----------|
| Salaries and pay roll | \$10,000 |
| Incidental expenses | 5,000 |

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii

ACT. 95

AN ACT

**MAKING SPECIAL APPROPRIATION FOR THE IMMEDIATE USE
OF THE HAWAII AGRICULTURAL EXPERIMENT STATION.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of Two Thousand Dollars (\$2,000.00) is hereby appropriated, to be paid out of moneys in the Treasury received from current receipts of the general revenue of the Territory, for the purpose of assisting the Hawaii Agricultural Experiment Station to continue with its work to June 30, A. D. 1907.

SECTION 2. Appropriations made under this Act shall be under the control of and expended by the Board of Agriculture and Forestry.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 96.**AN ACT**

TO AMEND CHAPTER 102 OF THE REVISED LAWS OF HAWAII
BY ADDING THERETO TEN SECTIONS TO BE KNOWN AS
SECTIONS 1379A, 1418A, 1418B, 1418C, 1418D, 1418E,
1418F, 1418G, 1418H, AND 1418I.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 102 of the Revised Laws of Hawaii is hereby amended by adding ten Sections thereto to be known as Section 1379A, 1418A, 1418B, 1418C, 1418D, 1418E, 1418F, 1418G, 1418H and 1418I, and to read as follows:

“Section 1379A. GARAGE. The annual fee for a license to engage in or carry on a garage business shall be Fifty Dollars for the District of Honolulu and Twenty-five Dollars for each other taxation district of the Territory.

“Section 1418A. BARBERS. Every person, firm or corporation conducting a barber shop shall pay an annual license fee of Ten Dollars.

“Section 1418B. CUSTOM HOUSE BROKERS. Every person, firm or corporation conducting the business of custom house brokerage shall pay an annual license fee of Fifty Dollars.

“Section 1418C. EMPLOYMENT AGENCIES. Every person, firm or corporation conducting an employment or intelligence office or advertising as an employment or intelligence agent shall pay an annual license fee of Twenty-five Dollars.

“Section 1418D. FISHING BOATS. The annual fee for a license for a fishing boat shall be Five Dollars, and the requirements of this Chapter regulating boats for hire shall apply to fishing boats so far as the same are applicable. Any boat used

for the purpose of fishing for profit that has a beam of thirty inches or more shall be deemed a fishing boat for the purposes of this Act.

"Section 1418E. COLLECTION AGENCIES. Any person, firm or corporation conducting a mercantile or collection agency or commercial bureau shall pay an annual license fee of Twenty-five Dollars.

"Section 1418F. MERCHANDISE BROKERS. Every person, firm or corporation engaged in the business of buying, selling, or soliciting orders for goods, wares or merchandise, either on commission as broker, agent or salesman for either the owner or consignee, shall pay an annual license fee of One Hundred Dollars. Provided, however, that this Section shall not apply to any person, firm or corporation engaged solely in interstate commerce or employed solely by the United States.

"Section 1418G. MERCHANDISE. The annual fee for a license to sell goods, wares and merchandise shall be Twenty-five Dollars. No person holding a merchandise license shall be permitted by virtue thereof to sell or furnish opium or any preparation thereof, any poisonous drug, alcohol, spirituous or other intoxicating liquors, cigars, cigarettes or tobacco or any other articles for the sale of which a license by law is provided and required. Any person who shall sell goods, wares or merchandise without a license under this Act, or who, holding such license, shall sell any article not permitted by such license to be sold shall be guilty of a misdemeanor and upon conviction thereof be fined in a sum not exceeding One Hundred Dollars.

"Section 1418H. PEDDLERS. The annual fee for a license to peddle merchandise shall be Fifty Dollars; providing that no license be required of persons peddling fish, fresh fruit or vegetables. A license to peddle merchandise shall authorize the holder thereof to peddle only in the County which is named in the license.

"Section 1418I. LAUNDRY, DYEING OR CLEANING, OR DYEING AND CLEANING WORKS. The Treasurer may issue to any person, firm or corporation a license to maintain and operate a laundry, dyeing or cleaning or dyeing and cleaning works upon such conditions as to location and otherwise as shall be set forth in the license. Any such license shall not be issued except upon a certificate of the Board of Health setting forth that the location at which it is proposed to operate such laundry, dyeing or cleaning or dyeing and cleaning works is suitable for the purpose. The annual fee for a license for either a laundry, dyeing or cleaning or dyeing and cleaning works shall be Twenty-five Dollars."

SECTION 2. This Act shall take effect on July 1, 1907.

Approved this 23rd day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii

ACT 97.

AN ACT

TO PROVIDE A SINKING FUND FOR THE REDEMPTION OR PURCHASE OF TERRITORIAL BONDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Treasurer of the Territory is hereby authorized and empowered to establish as a special deposit in the Treasury of the Territory a sinking fund with which to pay any present or future bonded indebtedness of the Territory, and upon one year from date of any territorial bond issue hereafter made, whether same is a refunding bond issue or otherwise,

and thereafter annually until all of the bonds of such issue have been called in, he shall transfer from the current receipts of the Territory and deposit to the credit of said sinking fund such an amount of money as will, compounded annually at the rate of interest specified in the bonds of such issue, amount in the unexpired term thereof to the full face value of such bond issue.

The Treasurer shall also deposit to the credit of said sinking fund, immediately upon the receipt thereof, all compensation received from any of the counties or municipal divisions of the Territory in payment for public improvements transferred by the Territory to the said counties or municipal subdivisions of the Territory.

The Treasurer shall also deposit to the credit of said sinking fund, immediately upon the receipt thereof, all receipts from government land sales made by the Superintendent of Public Works.

Except as provided by this Act, such sums so deposited as aforesaid shall be used for the redemption or purchase of any outstanding Territorial bonds and shall not be held exclusively for the redemption or payment of the bonds used as a basis for the annual deposits.

The Auditor of the Territory shall open and keep in his books a separate and special account of this fund, which shall be known as the Sinking Fund Account and which shall at all times show the exact condition thereof.

SECTION 2. Whenever the sum on deposit to the credit of said sinking fund is sufficient, the Treasurer may redeem one or more bonds; provided, however, that prior to such redemption he shall advertise in a newspaper of general circulation published in Honolulu, and in places other than Honolulu where interest payments upon said bonds are made, not less than

once a week for three successive weeks that he is prepared to pay such bonds, together with all interest accrued thereon, giving the numbers, issue, date, date of payment, the date interest will cease, and such further information as may be required by the terms of the said bond or any law of the Territory of Hawaii. If said bonds so sought to be redeemed as aforesaid are not presented for payment or redemption on or before the payment date specified in said advertisement, the amount due thereon shall be held exclusively for the payment of said bonds whenever presented. All redemptions shall be made as provided by law and no notice of redemption shall be required other than that by publication as hereinbefore provided.

SECTION 3. Provided it can be shown to be to the financial advantage of the Territory, the Treasurer of the Territory, by and with the consent of the Governor, is hereby authorized to buy in the open market any of the outstanding bonds of the Territory of Hawaii not yet redeemable whenever there are any funds to the credit of the sinking fund account in excess of the amount needed for the redemption of any bonds then redeemable, the expense of such purchase over and above the purchase price of said bonds to be a proper charge against this fund.

SECTION 4. The Treasurer of the Territory is hereby authorized by and with the consent of the Governor of the Territory, to make temporary use of any part or portion of said sinking fund not held for the payment of bonds legally called in, for the purpose of paying the warrants drawn on the Treasury for current indebtedness of the Territory, whenever the current cash in the Territorial Treasury is not sufficient to pay the same; provided, however, that all sums so taken shall be redeposited to the credit of said sinking fund not more than fifteen days after the next succeeding delinquency date of property and income taxes.

SECTION 5. All funds available for the payment of bonded indebtedness under the provisions of Section 277 of the Revised Laws of Hawaii and Act 99 of the Session Laws of 1905 shall be transferred from time to time to the sinking fund account herein created and be subject to all the conditions of this Act.

SECTION 6. This Act shall take effect May 30, 1907.

Approved this 23rd day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii

ACT 98.

AN ACT

TO DESIGNATE THE PAY OF LABORERS ENGAGED IN CONSTRUCTING OR REPAIRING ROADS, BRIDGES OR STREETS, WATER WORKS OR OTHER WORKS FOR THE TERRITORY OF HAWAII, OR FOR ANY POLITICAL SUBDIVISION THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. From and after the passage of this Act, the daily pay for each working day of each laborer engaged in constructing or repairing roads, bridges or streets, water works or other works either by contract or otherwise, for the Territory of Hawaii, or for any political subdivision thereof, shall not be less than One Dollar and Twenty-five Cents.

SECTION 2. All laws and parts of laws in conflict with the provision of this Act are hereby repealed.

SECTION 3. This Act shall take effect from and after the date of its approval.

WE HEREBY CERTIFY that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 23rd day of April, A. D., 1907.

H. L. HOLSTEIN,
Speaker, House of Representatives.

JOHN H. WISE,
Clerk, House of Representatives.

WE HEREBY CERTIFY that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 24th day of April, A. D., 1907.

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

ACT 99.**AN ACT**

TO ADD THREE NEW SECTIONS TO CHAPTER 135 OF THE REVISED LAWS OF HAWAII, RELATING TO GARNISHMENT, TO BE KNOWN AS SECTIONS 2115A, 2115B AND 2115C.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new Section is hereby added to Chapter 135 of the Revised Laws of Hawaii, to be known as Section 2115A, and to read as follows:

"Section 2115A. If it shall appear upon the trial of any cause wherein service has been made as provided by law upon any attorney, agent, factor or trustee of a defendant, that such defendant is in receipt of any salary, stipend, wages, annuity or pension from such attorney, agent, factor or trustee, the Court before which such trial is had shall order and direct such attorney, agent, factor or trustee not to pay to such defendant or permit or cause to be paid to him more than seventy-five per cent of such salary, stipend, wages, annuity, or pension, which shall then be or shall thereafter become due, owing or payable to such defendant until the suit against him shall have been finally determined and the final judgment obtained against him, if any, shall have been fully paid with legal interest thereon; provided, however, that no more of such salary, stipend, wages, annuity or pension shall be thus withheld from said defendant in advance of final judgment than shall be sufficient to meet the demand of the plaintiff or plaintiffs in such suit or suits together with costs and legal interest."

SECTION 2. A new Section is hereby added to Chapter 135 of the Revised Laws of Hawaii to be known as Section 2115B, and to read as follows:

"Section 2115B. In case there shall be certified to such garnishee a judgment for the plaintiff, from or to which no appeal or execution shall, at the time of its rendition, have been noted it shall be incumbent upon such garnishee to pay to such plaintiff such sum or sums as shall theretofore have been sequestered and not drawn against in pursuance of such suit if such judgment shall equal or exceed such sum or sums. If the amount so sequestered and not drawn against shall not suffice to extinguish such judgment, then such sequestration and delivery to such plaintiff by such garnishee of a sum equal to twenty-five per cent of such salary, stipend, wages, annuity or pension shall continue from week to week, or from month to month, until such judgment, with legal interest thereon, shall be fully paid, or until such defendant shall quit the service of and dissolve his relation to the garnishee upon which sequestration is founded."

SECTION 3. A new Section is hereby added to Chapter 135 of the Revised Laws of Hawaii, to be known as Section 2115C, and to read as follows:

"Section 2115C. In case of successive suits being brought wherein the same attorney, agent, factor or trustee, and the same defendant are named, precedence shall be given by said attorney, agent, factor or trustee to the demand made in the suit wherein service is first made on said attorney, agent, factor or trustee, and if two or more such processes are served simultaneously, they shall be entitled to precedence in the order of the priority of their issue from the court or courts from which they respectively were issued. This order of precedence shall not be disturbed by the fact of a posterior suit being carried to final judgment earlier than its anterior in time of service upon such attorney, agent, factor or trustee, but in such case the attorney, agent, factor or trustee, shall pay or cause to be paid on account of such earlier judgment, only such sums as shall be payable upon such judgment from the amounts which shall

thereafter become due and payable to such judgment debtor. All amounts withheld on account of such anterior suit shall be held to await the final result thereof, when, if final judgment shall be entered against the defendant, the amount so withheld shall be applied in payment of such judgment. In case such amounts are not sufficient to satisfy such judgment, then all judgments obtained in posterior suits shall be again postponed to that in the anterior suit until it is satisfied."

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 25th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 100.

AN ACT

**TO PROTECT THE PUBLIC ON THE PUBLIC STREETS AND OTHER
PUBLIC GROUNDS, FROM ANIMALS.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. ANIMALS TO BE TIED. No person shall leave any horse or mule, or other animal while in harness or under saddle in any street, lane, or alley, or in any other public grounds within the Territory of Hawaii unless said horse, mule, or any other animal shall be tied.

SECTION 2. PUNISHMENT. Any person who shall do any of the acts prohibited by or violate any of the provisions of

Section 1 of this Act, shall be liable upon conviction to a penalty of not less than five dollars, nor more than fifty dollars discretionary with the Court.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 25th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 101.

AN ACT

TO PROTECT THE OWNERS OF BOTTLES AND SIPHONS USED IN
THE MANUFACTURE AND SALE OF SODA WATERS, MINERAL
OR AERATED WATERS, PORTER, ALE, BEER, CIDER, GINGER
ALE, OR OTHER BEVERAGES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Any person engaged in the Territory of Hawaii, in manufacturing soda water, mineral or aerated waters, porter, ale, beer, cider, ginger ale, or other beverage in bottles or siphons, with his name or other mark or device branded, stamped, engraved, etched, blown, impressed or otherwise produced upon said bottles or siphons used by him, may file in the office of the Treasurer of the Territory of Hawaii, a description of the name, mark, or device so used by him, and cause such description to be printed at least once in each week for two weeks successively in a newspaper published in the English and Hawaiian languages in the County where said business is

located or in some paper of general circulation published in the English and Hawaiian languages in Honolulu, Island of Oahu.

SECTION 2. It is hereby declared to be unlawful for any person to sell, buy, or otherwise dispose of or traffic in any bottle or siphon so marked and distinguished as aforesaid with any name, mark or device of which a description shall have been filed and published as provided in Section 1, without the written consent of the person whose name, mark or device is in or upon such bottle or siphon. Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than fifteen cents for each bottle and siphon so bought, sold, or otherwise so disposed of, or trafficked in, or by imprisonment for not more than three days.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 25th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 102.**AN ACT**

TO AUTHORIZE THE APPOINTMENT OF FISCAL AGENTS BY THE
TREASURER OF THE TERRITORY OF HAWAII, ADDING A
NEW SECTION TO THE REVISED LAWS OF HAWAII TO BE
KNOWN AS SECTION 1172A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new Section is hereby added to the Revised Laws of Hawaii, to be known as Section 1172A and to read as follows:

“Section 1172A. FISCAL AGENTS. The Treasurer is hereby authorized and empowered to appoint, with the approval of the Governor, such fiscal agent or agents as may be necessary and expedient to facilitate the sale, purchase and redemption of the bonds of the Territory and the payment of interest thereon. The Treasurer may authorize and empower such fiscal agent or agents for and on behalf of the Territory to receive and receipt for moneys realized from the sale of such bonds and to pay out moneys for the redemption or purchase thereof and for the payment of interest thereon, and to receive receipts for all moneys so paid out. All appointments made under this Section may be revoked by the Treasurer at any time.”

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 25th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 103.

AN ACT

**TO AMEND SECTION 1177 OF THE REVISED LAWS OF HAWAII
RELATING TO THE REGISTRAR OF PUBLIC ACCOUNTS.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1177 of the Revised Laws of Hawaii is hereby amended by adding to said Section, at the end thereof, the following sentence:

"In case of the absence of the Treasurer from the Territory, he may authorize and empower in writing the Registrar of Public Accounts to exercise such of the powers and discharge such of the duties of his office as the Treasurer may deem necessary and expedient.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 25th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 104.

AN ACT

TO PROVIDE FOR THE PROTECTION OF BIRDS BENEFICIAL TO
THE FORESTS OF THE TERRITORY OF HAWAII, AND TO
DEFINE THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. For the purposes of this Act, Hawaiian geese (nene) and all perching birds (scientifically known as Passerine) that frequent the forests of this Territory shall be considered as beneficial, except such as are specified in Section 2.

SECTION 2. The European or house sparrow, the house finch, the rice bird, the mynah, the native crow or alala and any imported species of perching bird (or Passerine), (injurious to forestry or agriculture) shall not be protected by this Act.

SECTION 3. It shall be unlawful for any person to catch or kill any perching bird (or Passerine) other than those specified in Section 2, or to have in his or her possession the body of any such bird, or to take, destroy or have in possession the nest or eggs of any such bird.

SECTION 4. Any person violating this Act shall be guilty of a misdemeanor and on conviction shall be fined Ten Dollars (\$10.00) for each offense, and Fifty Dollars (\$50.00) for each perching bird (or Passerine) killed or caught, other than those specified in Section 2, or for each body or part of the body of such bird that he or she has in possession, or for each nest or egg of such bird as is destroyed or possessed in violation of this Act; or shall be liable to imprisonment for two weeks or to both fine and imprisonment at the discretion of the court; provided, however, that the preceding sections of this Act shall

not apply to any person holding a permit, issued in accordance with the provisions of the next Section of this Act, giving him or her the right to collect any species of perching bird (or Passerine), their eggs or nests for scientific purposes only, unless such person shall violate the conditions of such permit.

SECTION 5. To any person who shall furnish satisfactory evidence that he or she is a duly authorized agent of some scientific institution and is collecting birds, their nests or eggs, for such institution, or for private scientific study and not for sale, the Commissioners of Agriculture and Forestry of this Territory, or such agent as they appoint, may issue a permit to collect for such scientific purposes, a limited number of any species of perching birds (or Passerine), (the number of each and any species that may be caught or killed being stated by the aforesaid Commissioners of Agriculture and Forestry or the agent appointed by them), at any time between and including the first day of October and the last day of February next following, but at no other time whatsoever.

SECTION 6. Any person to whom such permit to collect perching birds (or Passerine), their eggs or nests shall be issued, shall file with the Commissioners of Agriculture and Forestry, or their agent, a good and sufficient bond to the Territory of Hawaii in the sum of Two Hundred Dollars (\$200.00), with two responsible citizens of this Territory as sureties, conditioned that if the holder of said permit shall be convicted of violation of any of the provisions of this Act, or of those of the permit issued to him or her, the said bond shall be forfeited.

SECTION 7. The applicant to whom a permit to collect perching birds (or Passerine) is issued, shall pay a fee of One Dollar (\$1.00) to defray the expense of such permit, said permit to bear the name and post office address of the holder, a copy of this Act, to which the holder shall attach his or her

signature, and a list showing the greatest number of each species of perching bird that may be killed or caught by the holder of the permit; said permit is not transferable and holds good only for one season, i. e., from the first of October to the last day of February next following.

SECTION 8. In all proceedings against any person for violating the provisions of this Act, such person shall be deemed to be without the permit herein provided for unless he shall produce the same.

SECTION 9. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SECTION 10. This Act shall take effect from and after the date of its approval.

Approved this 25th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 105.

AN ACT

TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC LIGHT AND POWER, WITHIN THE DISTRICT OF WAILUKU, AND ELSEWHERE, ON THE ISLAND AND COUNTY OF MAUI, TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke and

W. T. Robinson, together with their associates, hereafter called "The Company" and their respective successors and assigns, be and hereby are vested with the right, authority and privilege, for the term of thirty-five (35) years from and after the passage of this Act, to manufacture, sell, furnish and supply electric light, electric current, or electric power, in the District of Wailuku and elsewhere on the Island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and, from time to time, for said term of thirty-five years, for the purposes above mentioned, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes, in said District of Wailuku and elsewhere on said Island of Maui, and to connect the said lines, wires and conductors with any manufactory, private or public buildings, lamps, lamp posts, or other structure or object with the place of supply.

SECTION 2. The Superintendent of Public Works is hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires, and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

SECTION 3. That all poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and other appliances constructed, maintained or operated under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said District, or elsewhere on the Island of Maui, shall be so constructed,

maintained and operated by the Company as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. That the entire plant, lines, poles and all other apparatus and equipments shall, at all times, be subject and open to the inspection of the Superintendent of Public Works, or other officer appointed by him for that purpose.

SECTION 5. That said Company, its representatives, successors and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on its part, which may occur by reason of the exercise of any of the privileges herein granted.

SECTION 6. It is provided that if the Company shall fail or refuse to do or perform or comply with any of the provisions of this Act, or of the Laws of the Territory of Hawaii, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the Superintendent of Public Works, said Superintendent of Public Works may, with the consent of the Governor, and of the Attorney General, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby, and all rights and privileges accruing thereunder, forfeited and declared null and void.

SECTION 7. It is hereby expressly provided that nothing herein contained shall be construed as to grant the Company an exclusive right to furnish, sell or supply electric light and power.

SECTION 8. The said Company shall, within one month after the expiration of each year, file with the Superintendent of Public Works a statement showing the gross receipts from the sale of electric light and power furnished by the Company, and shall at the same time pay to the Superintendent of Public Works one per centum of the gross receipts of the Company

from all electric light or power furnished to consumers during the year preceding.

- SECTION 9. This Act shall go into effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 24th day of April, A. D. 1907.

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 25th day of April, A. D. 1907.

H. L. HOLSTEIN,
Speaker.

JOHN H. WISE,
Clerk.

ACT 106.

AN ACT

TO AMEND SECTIONS 370, 371, 373 AND 375, AND TO REPEAL SECTION 372 OF THE REVISED LAWS OF HAWAII SO AS TO REORGANIZE THE BOARD OF COMMISSIONERS OF AGRICULTURE AND FORESTRY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 370 of the Revised Laws of Hawaii is hereby amended by striking out the period after the word "Senate" in line four thereof, and by inserting after said word "Senate" the following words, "one being designated as President of the Board.", so that the Section as amended shall read as follows:

"Section 370. Commissioners, Appointment, Tenure. There shall be a Board of Commissioners of Agriculture and Forestry of five members, who shall be appointed by the Governor by and with the advice and consent of the Senate, one being designated as President of the Board. One of said Commissioners shall be appointed to hold office for one year, one for two years, one for three years, one for four years, and one for five years from January 1, 1904. Upon the expiration of the respective terms of the said Commissioners, their respective successors shall be respectively appointed for a term of five years. Upon a vacancy occurring in said Board, a Commissioner shall be appointed to fill such vacancy for the remainder of the unexpired term."

SECTION 2. Section 371 of the Revised Laws of Hawaii is hereby amended by striking out the words "President and another" in line two thereof; and also by striking out the word "officers" in line three thereof, and inserting in lieu of said word "officers", the word "Secretary", so that the Section as amended shall read as follows:

"Section 371. Board, Officers, Quorum. The Commissioners shall elect one of their members Secretary of the Board. The Board shall have power to change its Secretary from time to time. A majority of the members of said Board shall constitute a quorum thereof, with power to transact any business within the powers of jurisdiction of the Board."

SECTION 3. Section 372 of the Revised Laws of Hawaii is hereby repealed.

SECTION 4. Section 373 of the Revised Laws of Hawaii is hereby amended by striking out the first four lines thereof, together with the words "the Superintendent of Public Works" in line five thereof, and by inserting in lieu thereof the following words "the powers and duties vested prior to April 25, 1903, in the Commissioner of Agriculture and Forestry and thereafter transferred to and vested in the Superintendent of Public Works are hereby transferred to and vested in the President of the Board," so that the Section as amended shall read as follows:

"Section 373. Executive Officer of Board. The powers and duties vested prior to April 25, 1903, in the Commissioner of Agriculture and Forestry and thereafter transferred to and vested in the Superintendent of Public Works, are hereby transferred to and vested in the President of the Board, who shall be the Executive Officer of the Board, subject to the superintendence and control of the Board."

SECTION 5. Section 375 of the Revised Laws of Hawaii is hereby amended by striking out the period after the word "pay" in line two thereof, and inserting after said word "pay" the words "except the President, who shall receive such salary as may be appropriated by the Legislature;" also by striking out from said section the sentence "The Superintendent of Public Works shall receive no pay for services performed by him under the terms of this Chapter other than the salary appropriated by

the Legislature for his said office of Superintendent of Public Works," so that the Section as amended shall read as follows:

"Section 375. Board, Expenses, Pay. The members of the Board, appointed under this Chapter, shall serve without pay, except the President, who shall receive such salary as may be appropriated by the Legislature. The Board shall be entitled to pay the traveling expenses, within the Territory, of its members when actually engaged in business relating to the work of the commission, and also all cost of postage, stationery, correspondence, records, printing and other expenses necessarily or properly incidental to the business of the Board."

SECTION 6. This Act shall take effect from the date of its approval.

Approved this 29th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 107.

AN ACT

TO PROVIDE FOR THE PROTECTION OF THE REMAINS OF CERTAIN OF THE SOVEREIGNS AND HIGH CHIEFS OF HAWAII.

WHEREAS, the remains of certain of the Sovereigns and High Chiefs of Hawaii now in the Royal Mausoleum at Mauna Ala in the City of Honolulu should be protected by being deposited in an appropriate and properly secured tomb or vault; and

WHEREAS, a suitable monument should be erected over such tomb or vault;

Now Therefore be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That an appropriation of \$20,000.00 be and is hereby appropriated to be paid out of all moneys in the Treasury of the Territory to defray the expenses of preparing such tomb or vault and the erection of such monument.

The preparation of such tomb or vault and the monument shall be under the joint direction and supervision of ~~Ex~~-Queen Liliuokalani and the Superintendent of Public Works of the Territory.

SECTION 2. This Act shall take effect from and after the date of its approval.

We hereby certify that the foregoing Bill, after reconsideration on the Veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 26th day of April, A. D. 1907.

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

We hereby certify that the foregoing Bill, after reconsideration on the Veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the

elective members of the House of Representatives of the Territory of Hawaii, this 30th day of April, A. D. 1907.

H. L. HOLSTEIN,
Speaker.

JOHN H. WISE,
Clerk.

ACT 108.

AN ACT

TO AMEND ACT 39 OF THE SESSION LAWS OF 1905 ENTITLED
"AN ACT CREATING COUNTIES WITHIN THE TERRITORY
OF HAWAII AND PROVIDING FOR THE GOVERNMENT THERE-
OF," AS AMENDED BY ACT 8 OF THE SESSION LAWS OF
1907.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 66, Chapter 14 of Act 39 of the Session Laws of 1905 entitled "An Act Creating Counties within the Territory of Hawaii and Providing for the Government thereof," as amended by Act 8 of the Session Laws of 1907, is hereby amended so as to read as follows:

"Section 66. The Board shall hold regular meetings for the transaction of public business beginning on the first Wednesday of each month, except in the County of Maui where the meetings shall be held on the first Wednesday after the 5th day of each month, and continue in session for as many days as the transaction of such business may require, and it shall call such special meetings as may be necessary for the public welfare."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 109.

AN ACT

RELATING TO PROCEDURE IN DIVORCE CASES, AMENDING SECTIONS 2230 AND 2231 OF THE REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2230 of the Revised Laws is hereby amended so as to read as follows:

“Section 2230. ^a All proceedings for divorce shall be commenced by libel, to be signed by the libellant and sworn to, and the same shall set forth the marriage of the parties and the cause of divorce with sufficient particularity to constitute a case for judicial action. Such libel shall be filed in the office of the clerk of the Circuit Court and upon the filing thereof a writ of summons, with the libel annexed, shall be issued under the seal of the court by the clerk, directing the high sheriff or his deputy or the sheriff of the County or his deputy to summon the libelee to appear twenty days after service before the circuit judge at chambers to answer the libel. Such summons and libel shall be served by delivering certified copies thereof to the libelee personally.”

SECTION 2. Section 2231 is hereby amended so as to read as follows:

"Section 2231. No person shall be entitled to a divorce unless the libelee shall have been served personally with process, if within the Territory, or shall have entered an appearance in the case; provided that, if it shall appear by return of the summons or by affidavit or otherwise to the satisfaction of the judge that the libelee is without the Territory, the judge may authorize notice of the pendency of the libel and of the time and place of hearing to be given to the libelee personally by such person and in such manner as he shall designate, or, if it shall further appear to his satisfaction by affidavit or otherwise that the libelant does not know the address or residence of the libelee and has not been able to ascertain either after reasonable and due inquiry and search for six months after the filing of the libel, the judge may authorize such notice to be given to the libelee by publication thereof at least once a week for six successive weeks in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings published in the Territory, and may hear and determine the case at or after the time specified in such notice, which shall be not less than (thirty) days after the giving of such personal notice or the last publication of such published notice, as the case may be."

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 110.**AN ACT**

TO ESTABLISH THE RIGHTS OF HOTEL KEEPERS AND LIKE PERSONS WITH RESPECT TO BAGGAGE AND OTHER PROPERTY OF GUESTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Hotel keepers shall have a lien upon the baggage and other property of value of their guests, or boarders, or lodgers, brought into such hotel, by such guests, or boarders, or lodgers, for the proper charges due from such guests, or boarders, or lodgers, for their accommodation, board and lodging, and room rent, and such extras as are furnished at their request, with the right to the possession of such baggage, or other property of value, until all such charges are paid.

SECTION 2. Every keeper of a hotel shall post in a conspicuous place, in the office, or public room, and in every bedroom of said hotel, a printed copy of this act, and a statement of charge, or rate of charges by the day, and for meals or items furnished and for lodging. No charge or sum shall be collected or received by any such person for any service not actually rendered, or for any item not actually delivered, or for any greater or other sum than he is entitled to by the general rules and regulations of said hotel. For any violation of this or any provision herein contained, the offender shall forfeit to the injured party three times the amount of the sum charged in excess of what he is entitled to.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 111.

AN ACT

**TO AMEND SECTION 1066 OF THE REVISED LAWS OF HAWAII,
RELATING TO LAUNDRIES.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1066 of the Revised Laws of Hawaii is hereby amended so as to read as follows:

“Section 1066. Washing Elsewhere, Penalty. Every person who shall carry on the business of laundry keeping or washing for hire, within the limits of the City of Honolulu, except in such buildings as shall be provided for such purpose, in accordance with the provisions of Section 1063, or in such buildings as may be approved and designated for such purpose by the Board of Health, shall upon conviction be liable to a fine not to exceed ten dollars for each and every day during which he shall so carry on such business, and in default of payment of such fine shall be imprisoned until such fine is paid.”

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 112.**AN ACT**

TO AMEND SECTION 390 OF THE REVISED LAWS OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 390 of the Revised Laws of Hawaii be and the same is hereby amended to read as follows:

“Section 390. Penalty for Violations. Any person violating any of the provisions of this Chapter, or any rule or regulation of the Board of Commissioners of Agriculture and Forestry, and any master of any vessel which shall bring into this Territory any article which the Board shall at any time prohibit from being imported into this Territory; and the master of any vessel from which shall be landed any article in this Chapter required to be inspected, until he shall have received a permit to land the said articles from the Board or its officer or inspector, as in this Chapter provided, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 113.

AN ACT

TO LIMIT THE TIME WITHIN WHICH ACTIONS FOR COMPENSATION FOR DAMAGE OR INJURY TO PERSONS OR PROPERTY MAY BE INSTITUTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Actions for the recovery of compensation for damage or injury to persons or property must be instituted within one year next after the cause of action accrued, and not after. Provided that actions, on such causes, which accrued prior to the approval of this Act, if otherwise barred hereby, may be brought within one year after such approval and not later.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 114.**AN ACT**

TO AMEND ACT 100 OF THE SESSION LAWS OF 1905 ENTITLED
"AN ACT RELATING TO BONDS OF PUBLIC OFFICERS" BY
AMENDING SECTIONS 6 AND 11 THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 6 and Section 11 of Act 100 of the Session Laws of 1905, entitled "An Act relating to bonds of public officers," are hereby amended so as to read as follows:

"Section 6. The Chief Justice and all the territorial officers named in Section 1 of this Act may require bonds from the deputies, clerks, assistants, officers and employees in their offices or departments in such amounts as they may deem necessary and in the form prescribed by law. And wherever by law otherwise than in this Act it is provided that any officer, clerk, assistant officer or other employee in any office or department of the government give an official bond such officer, clerk, assistant officer or other employee shall hereafter execute such bond under and in accordance with and in the form provided by this Act."

"Section 11. When any corporation as hereinbefore designated shall be surety on any official bond required or authorized by this Act, the premium due such corporation for acting as such surety, and all stamps to be required by law to be paid thereon, shall be paid by the Territory."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 115.

AN ACT

TO REPEAL SECTION 2355 REVISED LAWS OF HAWAII, RELATING TO THE APPOINTMENT OF AGENTS TO TAKE ACKNOWLEDGMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2355 Revised Laws of Hawaii is hereby repealed.

SECTION 2. All commissions heretofore issued under the provisions of Section 2355 Revised Laws of Hawaii are hereby annulled and made void.

SECTION 3. This Act shall take effect upon the first day of July, A. D. 1907.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 116.

AN ACT

RELATING TO HUNTING WITH FIREARMS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The County Treasurer of each County of the Territory of Hawaii is hereby authorized and empowered to issue permits to hunt with firearms within that County to

applicants, provided, however, that permits shall not be issued to any person who has been convicted of violating any of the provisions of any law for the protection of game.

SECTION 2. Permits shall be good for one year from date of issue.

SECTION 3. The fee for a permit under this Act shall be \$5.00, payable in advance on issuance of each permit.

SECTION 4. All fees collected under this Act shall be paid into the Treasury of the County wherein collected by the Treasurer thereof as County realizations.

SECTION 5. Any person who shall hunt with firearms within any County without having a permit under this Act allowing him so to do, shall be deemed guilty of a misdemeanor, and shall be punished upon conviction by a fine of not less than five dollars nor more than twenty-five dollars, or by imprisonment for not less than ten days nor more than three months, for each offense.

SECTION 6. This Act shall take effect on approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 117.

AN ACT

TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF REPAIRING AND RECONSTRUCTING THE STONE EMBANKMENT OF THE WAIMEA RIVER, ISLAND OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and is hereby appropriated the sum of Twelve Thousand Dollars (\$12,000.00) from the public treasury of the Territory of Hawaii for the purpose of repairing and constructing the stone embankment of the Waimea River, Island of Kauai.

SECTION 2. The above appropriation shall be expended under the supervision of the Superintendent of Public Works.

SECTION 3. The Superintendent of Public Works is hereby ordered to proceed forthwith with the repairing of said embankment.

SECTION 4. This Act shall take effect from and after the date of its approval.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 26th day of April, A. D. 1907.

H. L. HOLSTEIN,
Speaker, House of Representatives.

JOHN H. WISE,
Clerk, House of Representatives.

We hereby certify that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this — day of April, A. D. 1907.

E. F. BISHOP,

President of the Senate.

WILLIAM SAVIDGE,

Clerk of the Senate.

ACT 118.

AN ACT

INCORPORATING THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

CHAPTER I.

BOUNDARIES.

SECTION 1. That all that portion of the Territory of Hawaii commonly known as the Island of Oahu and all other islands in the Territory of Hawaii not included in any other County and the waters adjacent thereto, shall be and is hereby constituted a City and County by the name of "The City and County of Honolulu, with its seat at Honolulu; and the words "City and County" whenever or wherever used in this Act shall mean "The City and County of Honolulu."

CHAPTER II.

DISTRICT BOUNDARIES.

SECTION 2. Said City and County is hereby divided into six Districts, as follows, to-wit:

1. From Maunalua to Moanalua inclusive, to be styled the Honolulu District;
2. Ewa, to be styled the Ewa District;
3. Waianae, to be styled the Waianae District;
4. From Kaena Point to and including the Ahupuaa of Waimea, to be styled the Waialua District;
5. From Waimea to Kaoio Point, to be styled the Koolauloa District;
6. Koolaupoko, to be styled the Koolaupoko District.

CHAPTER III.

RIGHTS AND LIABILITIES.

SECTION 3. Said City and County shall be and is hereby created a municipal corporation under the said name of "The City and County of Honolulu," and by that name shall have perpetual succession; may sue and be sued in all courts and places and in all matters and proceedings; may have and use a common corporate seal with power to break, renew and alter the same at pleasure; may purchase, receive, hold and enjoy real and personal property for public purposes; receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for charitable and other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or other-

wise dispose of the same in accordance with the terms of the gift, bequest or trust.

SECTION 4. Said City and County shall continue, under this Charter, to have, hold and enjoy all property, rights of property, rights of action, and all rights, privileges and powers of every nature and description of the existing County of Oahu, and is hereby declared to be the successor of said County.

SECTION 5. Suits, actions and proceedings may be brought in the name of said City and County for the recovery of any property, money or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with, said City and County, or County of Oahu, whether made or arising or accruing before or after the adoption of this Charter. All existing suits, actions and proceedings in the courts, or elsewhere, to which the County of Oahu is a party, shall continue to be carried on by or against said City and County.

Suits, actions and proceedings may likewise be brought against said City and County, at law or in equity, for the recovery of any money, property or thing belonging to any person, corporation, or the Territory, or for the enforcement of any rights of, or contracts with, or damages against, said City and County, or the heretofore existing County of Oahu, whether made or arising or accruing before or after the adoption of this Charter.

CHAPTER IV.

LEGISLATIVE DEPARTMENT—THE BOARD OF SUPERVISORS.

SECTION 6. The Legislative power of said City and County shall be vested in a legislative body, which shall be designated the Board of Supervisors. Such body is also designated in this Charter, the Supervisors.

SECTION 7. The Board of Supervisors shall consist of seven members. Each member must be at the time of his election an elector of said City and County, and must have been such for at least two years next preceding his election.

SECTION 8. A majority of all the members of the Board shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the Board may prescribe.

SECTION 9. The Board shall:

1. Appoint, when authorized to do so by ordinance, such clerks and other assistants as may be deemed necessary;
2. Establish rules for its proceedings;
3. Keep a journal of its proceedings. The ayes and noes shall on demand of any member be taken and entered therein;
4. Have authority to punish its members for disorderly or contemptuous behavior in its presence.

SECTION 10. The Mayor shall be the presiding officer of the Board of Supervisors. In the absence of the Mayor the Board shall appoint a presiding officer pro tempore from its own members, who shall have the same right to vote as other members.

SECTION 11. The Board shall hold regular meetings on the first Tuesday after the first Monday and on the Third Tuesday of each month, or if either day be a legal holiday, then on the next day. The Board shall not adjourn to any other place than to its regular place of meeting, except in case of great necessity or emergency. The meetings of the Board shall be public.

SECTION 12. Every legislative act of said City and County shall be by ordinance. The enacting clause of every ordinance

shall be in these words: "Be it Ordained by the People of the City and County of Honolulu." No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose.

SECTION 13. No bill shall become an ordinance, nor resolution be adopted, unless finally passed by a majority of all the Members of the Board and the vote be taken by ayes and noes and the names of the members voting for and against the same be entered in the Journal.

SECTION 14. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted, or the section thereof amended, shall be re-enacted at length as revised and amended.

SECTION 15. An ordinance shall embrace but one subject, which subject shall be expressed in its title. If any subject be embraced in an ordinance and not expressed in its title, such ordinance shall be void only as to so much thereof as is not expressed in its title.

SECTION 16. When a bill is put upon its final passage in the Board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the expiration of twenty-four hours after adjournment. Every ordinance shall, after amendment, be laid over for one week before its final passage.

SECTION 17. Every bill or resolution providing for any specific improvement, or involving the lease, appropriation or disposition of public property, or the expenditure of public money, except sums less than two hundred dollars, and every ordinance providing for the imposition of a new duty or penalty, shall, after its introduction, be published in a newspaper or newspapers, with the ayes and noes, for at least five successive days (Sundays and legal holidays excepted) before final action

upon the same. If such bill be amended, the bill as amended shall be advertised for a like period before final action thereon. But in cases of great necessity the officers and heads of departments may, with the consent of the Mayor, expend such sums of money, not to exceed two hundred dollars, as shall be necessary to meet the requirements of such necessity.

SECTION 18. If any bill be presented to the Mayor containing several items appropriating money he may object to one or more items separately, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it a statement of the item or items to which he objects and the reasons therefor, and the item or items so objected to shall not take effect unless passed notwithstanding the Mayor's objection. Each item so objected to shall be separately reconsidered by the Board in the same manner as bills which have been disapproved by the Mayor.

SECTION 19. No ordinance shall take effect until ten days after its publication unless otherwise provided in such ordinance. Every ordinance shall be published for ten days immediately after its approval.

SECTION 20. Every bill and every resolution as hereinbefore provided, which shall have passed the Board and shall have been duly authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill or resolution to the Board within ten days after receiving it. If he approve it he shall sign it and it shall then become an ordinance. If he disapprove it he shall specify his objections thereto in writing. If he does not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large in the Journal of the Board, and the Board shall, after five and within thirty days after such bill or resolution shall have been so returned, reconsider and vote upon the same. If the same shall, upon reconsideration, be again passed by the

affirmative vote of not less than five members of the Board, the presiding officer shall certify that fact on the bill or resolution, and when so certified, the bill shall become an ordinance with like effect as if it had been approved by the Mayor. If the bill or resolution shall fail to receive the vote of five members of the Board it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes and the names of the members voting for and against the same shall be entered in the Journal.

SECTION 21. All ordinances and resolutions shall be deposited with the City and County Clerk who shall record the same at length in a suitable book.

SECTION 22. No ordinance shall be repealed except by ordinance adopted in the manner hereinbefore set out, and such ordinance shall be presented to the Mayor for his approval as hereinbefore provided.

CHAPTER V.

POWERS OF THE SUPERVISORS.

SECTION 23. Subject to the provisions, limitations and restrictions in this Charter contained, the Board of Supervisors shall have power:

1. To ordain, make and enforce within the limits of the City and County of Honolulu, all necessary local police, sanitary and other laws and regulations not in conflict with the general laws of the Territory, or rules and regulations of the Territorial Board of Health, and fix a penalty for the violation of any ordinance.

2. Except as otherwise provided in this Charter, or in the Organic Act of the Territory of Hawaii, to regulate and control for any and every purpose, the use of the streets, high-

ways, public thoroughfares, public places, alleys and sidewalks of said City and County.

3. To fix the limits within which wooden buildings or structures shall not be erected, placed or maintained, and to prohibit the same within such limits. Such limits when once established shall not be changed except by extension.

4. To provide for the abatement or summary removal of any nuisance and to condemn and to prevent the occupancy of unsafe structures.

5. To regulate the use of hackney carriages and public passenger vehicles, and to fix the rates to be charged for the transportation of persons or personal baggage.

6. To provide a public pound and to make all necessary rules and regulations in the matter of animals running at large, and for the custody and destruction of the same, not inconsistent with the laws of the Territory.

7. To establish, maintain and regulate, and change, discontinue and re-establish City and County jails and prisons, and houses of detention, punishment, confinement and reformation, hospitals and almshouses.

8. To purchase or acquire by condemnation such property as may be needed for public use.

9. Except as otherwise provided in this Chapter, to regulate and control the location and quality of all appliances necessary to the furnishing of water, heat, light, power, telephonic and telegraphic service to the City and County, and to acquire, regulate and control any and all appliances for the sprinkling and cleaning of the streets of the City and County, and for flushing the sewers therein.

10. To prescribe fines, forfeitures and penalties for the breach of any ordinance: but no penalty shall exceed the

amount of five hundred dollars or six months' imprisonment, or both.

11. To fix the fees and charges for all official services not otherwise provided for in this Charter.

12. To provide for the payment of compensation to the interpreters appointed by the District Magistrates to interpret testimony in cases before such magistrates, or upon inquests and examinations. Such compensation shall not exceed one hundred dollars a month for each interpreter.

13. To offer rewards not exceeding five hundred dollars in any one instance for the apprehension and conviction of any person who may have committed a felony in said City and County, and to authorize the payment thereof.

14. To provide a seal for said City and County, and seals for the several departments, boards and officers thereof.

15. To fix the hours of labor or service required of all employees and laborers in the service of the City and County, and to fix their compensation.

16. To set apart as a boulevard or boulevards any street or streets, or portions of a street or streets, over which there is no existing franchise for any street railroad.

17. To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the City and County.

18. To provide for the purchase of property levied upon or under execution in favor of the City and County; but the amount bid on such purchase shall not exceed the amount of judgment, interest and costs.

19. To collect rates for water supplied to consumers; and for the use of sewers.

20. To make contracts and to do all things necessary and proper to carry into execution the foregoing powers and all other powers vested in said City and County or in any officer thereof.

21. The City and County shall not in any manner give or loan its credit to or in aid of any person or corporation, and any indebtedness or liability incurred contrary to this provision shall be void.

22. No contract involving an expenditure of public funds amounting to five hundred dollars or more shall be awarded except to the lowest bidder after public advertisement for tenders, and no public work or requisition for material therefor shall be divided or parcelled out for the purpose of evading the provisions of this Section, and no new work involving the expenditure of five hundred dollars or more shall be done except by contract as above set forth; but the provisions of this Section shall not necessarily be applicable to road work.

23. All contracts, authorizations, allowances, payments and liabilities entered into, granted, made or incurred in violation of this Act, shall be void and shall never be a basis of a claim against said City and County.

CHAPTER VI.

CITY AND COUNTY OFFICERS.

SECTION 24. The officers of said City and County shall be a Mayor, a Board of Supervisors, a Sheriff who shall be ex-officio Coroner, a City and County Clerk who shall be ex-officio Clerk of the Board of Supervisors, an Auditor, a Treasurer and a City and County Attorney; all of whom shall be elected at large by the duly qualified electors of said City and County.

SECTION 25. In each and every District of said City and County, there shall be a Deputy Sheriff who shall be a person

residing in the District for which he is a candidate, and shall be elected by the duly qualified electors of such District.

SECTION 26. All City and County Officers, except as herein provided, shall hold office for two years and until their successors are duly elected and qualified.

SECTION 27. All City and County Officers, with the exception of Deputy Sheriffs, shall have their offices at the City and County Seat, and the Mayor, Sheriff, City and County Clerk, Auditor, Treasurer and City and County Attorney, shall keep their respective offices open for business on every legal day from nine o'clock A. M. until four o'clock P. M., except Saturdays when they may close at twelve meridian. The Board of Supervisors shall also maintain their office at the City and County Seat.

CHAPTER VII.

QUALIFICATIONS OF OFFICERS.

SECTION 28. Any person shall be eligible to fill any elective office created by the provisions of this Charter who shall be a citizen of the United States of America and of the Territory of Hawaii, and who shall have been a duly qualified elector of said Territory and of the City and County for at least two years next prior to his election, and in case of the Deputy Sheriff, the same qualifications shall be required and, in addition thereto, they shall continue to reside within the District from which they were elected during the period of their incumbency; provided, however, that no person shall be elected City and County Attorney who shall not, in addition to the foregoing qualifications, be a duly licensed attorney admitted to practice in the Supreme Court of the Territory of Hawaii and have practiced law in the City and County for at least two years.

SECTION 29. No person shall hold more than one office at the same time, except as herein provided.

SECTION 30. Before entering upon the duties of his office, each officer elected or appointed shall subscribe to the following oath or affirmation before some person duly qualified to administer oaths:

"I solemnly swear (or affirm) in the presence of Almighty God, that I will faithfully support the Constitution and Laws of the United States of America and the Laws of the Territory of Hawaii, and conscientiously and impartially discharge my duties asof the City and County of Honolulu (or District of.....of the City and County of Honolulu), Territory of Hawaii."

CHAPTER VIII.

BONDS.

SECTION 31. Before entering upon the duties of his office, each City and County Officer shall give a bond to the City and County in the amount in this Charter provided conditioned for the faithful performance of the duties of his office. On each of said bonds there shall be at least two sureties who shall jointly and severally qualify in the full amount of the principal of the bond.

SECTION 32. In the case of all City and County Officers, with the exception of the members of the Board of Supervisors and Mayor, the sufficiency of the bond of each Officer shall be approved by the Board of Supervisors. The sufficiency of the bond of members of the Board of Supervisors and Mayor shall be approved by a Judge of the First Circuit Court.

SECTION 33. All bonds shall be deposited with the Treasurer of the City and County, except the bond of the Treasurer, which shall be deposited with the Mayor.

SECTION 34. All appointed deputies shall give bonds to their principals who shall be liable for all their acts, the sufficiency and amount of which shall be approved by said principals.

SECTION 35. The amount of bonds of City and County Officers shall be as follows: Mayor, Ten Thousand Dollars (\$10,000.00); Members of the Board of Supervisors, Five Thousand (\$5,000.00) Dollars each; Sheriff, Ten Thousand (\$10,000.00) Dollars; City and County Clerk, Five Thousand (\$5,000.00) Dollars; City and County Auditor, Five Thousand (\$5,000.00) Dollars; City and County Attorney, Five Thousand (\$5,000.00) Dollars; Treasurer, Twenty-five Thousand (\$25,000.00) Dollars; Deputy Sheriff, Five Thousand (\$5,000.00) Dollars.

SECTION 36. The bonds shall be made payable to the City and County, and may be made in the following form:

KNOW ALL MEN BY THESE PRESENTS, that we (name of officer) as principal, and (names of sureties) are held and firmly bound unto the City and County of Honolulu, in the Territory of Hawaii, in the penal sum of..... Dollars, lawful money of the United States of America, for the payment of which, well and truly to be made, we do bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this.....day of, A. D. Nineteen Hundred.....

The conditions of this obligation are such that whereas, the above bounden (name of officer) was elected (or appointed) to the office of (name of office) of the City and County of Honolulu (or District of—name of District—of the City and County of Honolulu), Territory of Hawaii, on the..... day of, A. D. Nineteen Hundred.....

NOW THEREFORE, if the said bounden (name of officer) shall

faithfully perform all the duties of his said office as prescribed by law; shall safely keep all moneys which may come into his possession by virtue of his said office; shall promptly pay over to the person or persons legally authorized to receive the same all such moneys in the manner prescribed by law; and shall deliver over to his successor in office all moneys held by him as such officer; then this obligation to be null and void; otherwise to remain in full force and effect.

(Signature of Officer) (Seal)

(Signature of Surety) (Seal)

(Signature of Surety) (Seal)

Provided that the sureties on such bonds shall be resident freeholders of the Territory, if the same be individuals and not a corporation, and shall severally qualify in the amount of the penal sum specified therein, and they shall make affidavit, which shall be attached to the instrument, in form substantially as follows:

Territory of Hawaii,

ss.

City and County of Honolulu.

..... and
 parties to
 the above bond, being duly sworn, do depose and say, each for himself, that he is a resident freeholder in said Territory and has property situated therein; that he is worth the sum of
 over and above his debts
 and liabilities.

Subscribed and sworn to before me this.....
 day of, A. D., (19....) Nineteen
 Hundred

(Title of person administering oath.)

And provided further, that if the Board of Supervisors shall not be satisfied with the sufficiency of such sureties, and if the principal shall refuse to furnish other sureties satisfactory to said Board, the matter shall be submitted to a Circuit Judge at Chambers having jurisdiction within the City and County (such Circuit Judge being hereby given jurisdiction to hear and determine the said matter), and his decision as to the sufficiency of such bond shall be final and without appeal.

SECTION 37. The Mayor, with the approval of the Board of Supervisors, shall have power to require and exact additional bond or security above and beyond that required by Section 35 upon like condition and subject to like determination as to the sufficiency of such additional bond or increased security; provided, however, that no more than double the amount of security hereby required of any officer shall be exacted, with the exception of the Treasurer.

SECTION 38. In lieu of the bond above provided, the bond of a surety company authorized under the laws of the United States to become surety on bonds of public officers, and lawfully doing business in the Territory of Hawaii, under the laws of the United States and of the Territory of Hawaii, may be accepted, and in such case no justification shall be required.

CHAPTER IX.

SALARIES.

SECTION 39. The salaries of the several City and County Officers shall be payable monthly out of the City and County Treasury at the following rates:

| | |
|---|-------------------|
| Mayor | \$3,000.00 a year |
| Member of the Board of Supervisors. | \$ 600.00 a year |
| Sheriff | \$2,400.00 a year |

| | |
|---|-------------------|
| City and County Clerk | \$2,100.00 a year |
| Auditor | \$1,800.00 a year |
| City and County Attorney | \$2,400.00 a year |
| Treasurer | \$2,100.00 a year |
| Deputy Sheriff of the District of Honolulu... | \$1,800.00 a year |
| Deputy Sheriff of the District of Ewa..... | \$1,200.00 a year |
| Deputy Sheriff of the District of Waianae.... | \$ 600.00 a year |
| Deputy Sheriff of the District of Waialua.... | \$ 900.00 a year |
| Deputy Sheriff of the District of Koolauloa.. | \$ 720.00 a year |
| Deputy Sheriff of the District of Koolaupoko. | \$ 720.00 a year |

CHAPTER X.

ELECTIONS.

SECTION 40. The general laws and rules governing the election of Senators and Representatives of the Territory shall apply in the election of City and County Officers wherever applicable except as herein provided.

SECTION 41. The precincts and polling places established or as may be established by the laws of the Territory for the election of Senators and Representatives, shall constitute the precincts and polling places for the election of City and County officers.

SECTION 42. All persons duly registered under the laws of the Territory to vote for Senators and Representatives at the last general election preceding an election for City and County officers shall be qualified to vote for City and County Officers at such City and County Election.

SECTION 43. No special Board of Registration shall be required for the registration of voters for City and County Officers, but such voters may register before the Board of Registration of the Territory in said City and County in the manner provided by the laws of the Territory relative to registration for the election of Senators and Representatives.

SECTION 44. Nominations for City and County Officers shall be deposited with the City and County Clerk not less than twenty (20) days prior to election; each nomination shall be accompanied by a deposit of Twenty-five (\$25.00) Dollars on account of expenses of election, which shall be paid to the City and County Treasurer.

SECTION 45. The returns of election of City and County Officers, together with the ballots, lists and records concerning the election of City and County Officers, and copies of the statements concerning the results of such election, shall be transmitted to the City and County Clerk, and shall be preserved by him according to law.

SECTION 46. If it shall appear by the returns made that there has been a failure of election of any City and County Officer by reason of a tie vote between two or more candidates, a special election to fill such vacancies shall be ordered by the Mayor, which shall be held in the manner required for a general election.

SECTION 47. At least forty days before a general election and thirty days before a special election, the Mayor shall issue a proclamation concerning City and County elections and transmit copies of the same to the several Boards of Inspectors throughout the City and County, and such proclamation shall be posted in the manner required by law.

SECTION 48. Ballot boxes required for the election of City and County Officers shall be furnished by the City and County Clerk. Such boxes shall be marked in plain letters, "City and County Officers."

SECTION 49. The City and County Clerk shall prepare the ballots to be used at elections for City and County Officers, and shall furnish the same to the several Boards of

Inspectors at least two days prior to the election. The ballots shall be of green paper and their general form, arrangement, number and style of printing shall be as prescribed by law for ballots for Senators and Representatives.

SECTION 50. Upon receiving returns of election, the City and County Clerk shall immediately tabulate the same and ascertain the result of the election; such tabulation shall be made in the presence of any candidate or his agent who desires to be present. The persons receiving the highest number of votes shall be declared elected, and the City and County Clerk shall immediately deliver to the persons elected Certificates of Election. All expenses for the election of City and County Officers shall be borne by the City and County.

SECTION 51. There shall be held in the City and County of Honolulu, on the first Tuesday after the first Monday of November, in the year One Thousand Nine Hundred and Eight, and in every second year thereafter, an election to be known as the "City and County Election." At said elections there shall be elected by the electors of the City and County of Honolulu, the following officers: The Mayor, seven Supervisors, an Auditor, Treasurer, City and County Attorney, City and County Clerk and Sheriff. And there shall also be elected in each District a Deputy Sheriff.

SECTION 52. All of the officers of the City and County of Honolulu who shall be elected in the year One Thousand Nine Hundred and Eight, under the provisions of this Charter, shall hold office only until the hour of noon on the first Monday after the First day of January, in the year Nineteen Hundred and Eleven.

SECTION 53. The officers first elected as aforesaid under this Charter shall take office at noon on the first Monday after the first day of January following.

SECTION 54. The Mayor shall issue his proclamation and publish the same in one or more newspapers for at least twenty days previous to the day in each year on which the City and County election is to be held under this Charter, calling upon the electors of the City and County to meet for the purpose of electing such officers as are provided for in this Charter, reciting in such proclamation the different officers to be elected at such election.

SECTION 55. There shall be three Inspectors of Election for each precinct, who shall be appointed by the Mayor as far as practicable from opposing political parties.

CHAPTER XI.

CONTESTS.

SECTION 56. All questions as to the validity of any ballot cast at any election held under this Act shall be decided immediately and the opinion of the majority of the Board of Inspectors of Election at each polling precinct shall be final and binding, subject to revision by the Supreme Court of the Territory as hereinafter provided.

SECTION 57. Any candidate directly interested, or any thirty duly qualified voters of any Election District may file a petition in the Supreme Court of the Territory setting forth any cause or causes why the decision of any Board of Inspectors should be reversed, corrected or changed.

SECTION 58. Such petition shall be filed in the office of the Clerk of the Supreme Court within thirty days following the election proposed to be contested and shall be accompanied by a deposit of Twenty-five (\$25.00) Dollars for costs of Court.

SECTION 59. The Clerk shall thereupon issue to the respondents named in such petition a summons to appear before the Supreme Court within ten days after the service thereof.

SECTION 60. Such petition shall be heard by the Court in term time or in vacation.

SECTION 61. On the return day, the Court, upon its motion or otherwise, may direct summons to be issued to any person or persons who may be interested in the result of the proceedings.

SECTION 62. At the hearing, the Court shall cause the evidence to be reduced to writing and shall give judgment, stating all findings of facts and of law. Such judgment may invalidate the election on the grounds that a correct result cannot be ascertained because of a mistake or fraud on the part of the Inspectors of Election; or decide that a certain candidate, or certain candidates received a majority or plurality of the votes cast and were elected. If such judgment should be that the election was invalid, a certified copy thereof shall be filed with the Mayor, and he shall duly call a new election to be held within sixty days after filing such judgment; and if the Court shall decide which candidate or candidates have been elected a copy of such judgment shall be served on the City and County Clerk, and the officer herein thereto authorized to deliver certificates of election shall sign and deliver to such candidate, or candidates certificates of election, and the same shall be conclusive of the right of the candidate or candidates to the office.

SECTION 63. The Court shall have power to compel the attendance of witnesses, to punish contempts and to do whatsoever else may be necessary to fully determine the proceedings, and to enforce its decrees therein.

SECTION 64. The costs shall be the same as in trials in the Circuit Court at Chambers.

SECTION 65. The Court may make such special rules as it may find necessary or proper.

CHAPTER XII.

FIRST ELECTION.

SECTION 66. A proclamation for the first election of City and County officers shall be made by the Board of Supervisors of the County of Oahu, according to the provisions of Section 48 of this Charter. Said proclamation shall call for an election in the City and County of Honolulu, and in other respects shall be the same as the proclamation now required by law to be issued for holding general elections. Said proclamation shall be published in the manner now required by law for the publication of proclamations for general elections.

SECTION 67. Nominations for City and County officers to be elected at such election shall be made in the same manner and within the same time and filed with the Clerk of the County of Oahu as required by law relative to nominations for Senators and Representatives.

SECTION 68. It shall be the duty of the Clerk of the County of Oahu to prepare ballots and forward the same to the Inspectors of Elections in each precinct. Such ballots shall be green in color and of uniform size, shape and thickness. The Clerk of the County of Oahu shall also furnish for such election suitable ballot boxes which shall be marked "City and County Officers."

SECTION 69. The precincts and polling places established for the election of Senators and Representatives shall constitute the precincts and polling places for this election.

SECTION 70. All persons duly registered under the laws of the Territory to vote for Senators and Representatives at the

last general election shall be qualified to vote for City and County officers at this election.

SECTION 71. Inspectors of Election shall perform all the duties in relation to this election required by law in relation to election for Senators and Representatives except that the information required to be transmitted to Sheriffs shall be transmitted to the Clerk of the County of Oahu.

SECTION 72. Immediately upon receiving the returns of election from the several Boards of Inspectors in the City and County, the Clerk shall tabulate such returns and ascertain the result of the election in said City and County. The persons receiving the highest number of votes shall be declared to be elected and the Clerk shall immediately deliver to the persons elected Certificates of Election. If it shall appear by the returns that there has been a failure of election of any City and County officer by reason of a tie vote between any two or more candidates a special election to fill such office shall be ordered by the Board of Supervisors, which shall be held in the manner required for this election.

SECTION 73. Contests of election may be had as provided in Chapter II of this Charter.

SECTION 74. There shall be three Inspectors of Election for each precinct, who shall be appointed by the Chairman of the Board of Supervisors of the County of Oahu as far as practicable from opposing political parties.

SECTION 75. The expenses of the first election under this Charter shall be borne by the County of Oahu.

CHAPTER XIII.

REMOVAL OF OFFICERS.

SECTION 76. Any City and County officer may be removed for malfeasance, misfeasance, nonfeasance or maladministra-

tion in office. The Board of Supervisors shall constitute a Board of Impeachment for the trial of any elected officer of the City and County (except members of the Board of Supervisors), who may be charged with malfeasance, misfeasance, nonfeasance or maladministration in office by not less than one hundred (100) legal voters within the City and County. Such officer shall be informed of the charge made against him and shall be given an opportunity to defend himself against the same. Said Board of Impeachment shall have power to hear and determine said charge, and if the same be sustained, to remove said officer so charged from office, and to fill the vacancy so occurring by the appointment of some qualified person to said office for the unexpired term thereof. Provided, however, that in case of the removal of a member of the Board of Supervisors the vacancy so caused shall be filled by appointment by the Mayor for the remainder of the unexpired term of such member. The decision of the Board of Supervisors may be reviewed by the Supreme Court, upon a writ of certiorari and provided, further, that members of the Board of Supervisors shall be tried for any of the causes specified in this Section, and in manner similar to that provided for the trial of the City and County officers, before the Supreme Court of the Territory. Jurisdiction is hereby conferred upon the Supreme Court of the Territory to hear and try cases arising under the provisions of this Chapter, with power, in case such charges are sustained, to remove any of said officers from office.

SECTION 77. Any vacancy occurring in any City and County office shall be filled by appointment by the Mayor with the approval of the Board of Supervisors, unless such vacancy is in the office of Mayor, and, in such case, such vacancy shall be filled by appointment by the Board of Supervisors for the remainder of the unexpired term of such office. If a Mayor be so appointed by the Board of Supervisors from their own number the vacancy in the Board so caused shall be filled by appointment by such new Mayor.

CHAPTER XIV.

EXECUTIVE DEPARTMENT.

Mayor.

SECTION 78. The chief executive officer of the City and County shall be designated the Mayor. He shall be an elector of the City and County at the time of his election, and must have been such for at least three years next preceding such election. He may appoint a Secretary who shall receive a salary at the rate of \$1,200.00 per annum and shall hold such position at the pleasure of the Mayor. The Mayor shall not engage in any other profession or calling during the term for which he is elected.

SECTION 79. The Mayor shall vigilantly observe the official conduct of all public officers and the manner in which they execute their duties and fulfil their obligations. The books, records and official papers of all departments, officers and persons in the employ of the City and County shall at all times be open to his inspection and examination. He shall take special care that the books and records of all departments, boards, officers and persons are kept in legal and proper form. When any official defalcation or wilful neglect of duty or official misconduct shall come to his knowledge, he shall suspend the delinquent officer or person from office pending an official investigation. The Mayor shall from time to time recommend to the proper officers of the different departments such measures as he may deem beneficial to public interest. He shall see that the laws of the Territory and ordinances of the City and County are observed and enforced. He shall have a general supervision over all the departments and public institutions of the City and County, and see that they are honestly, economically and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he may use and

command the police force. If such police force is insufficient, he shall call upon the Governor for military aid in the manner provided by law, so that such public order may be restored or riots or tumults may be promptly and effectually suppressed.

SECTION 80. The Mayor shall see that all contracts and agreements with the City and County are faithfully kept and fully performed. It shall be the duty of every officer and person in the employ or service of the City and County, when it shall come to his knowledge that any contract or agreement with the City and County, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter. A wilful failure to do so shall be cause for the removal of such officer or employee. The Mayor shall give a certificate on demand to any person reporting such facts and information that he has done so, and such certificate shall be evidence in exoneration from a charge of neglect of duty.

SECTION 81. The Mayor, with the approval of the Board of Supervisors, shall appoint all officers of the City and County whose election or appointment is not otherwise specially provided for in this Charter or by law. When a vacancy occurs in any office, and provision is not otherwise made in this Charter or by law for filling the same, the Mayor, with such approval, shall appoint a suitable person to fill such vacancy who shall hold office for the remainder of the unexpired term.

SECTION 82. The Mayor shall be President of the Board of Supervisors or Board of Impeachment by virtue of his office. He may call extra sessions of the Board, and shall communicate to them in writing the objects for which they have been convened and their acts at such sessions shall be confined to such objects.

SECTION 83. When and so long as the Mayor is temporarily unable to perform his duties, a member of the Board shall be chosen President pro tempore, who shall act as such Mayor.

CHAPTER XV.

THE AUDITOR.

SECTION 84. The Auditor shall issue warrants on the City and County Treasurer in favor of persons entitled thereto in payment of claims and demands chargeable against the City and County which have been legally examined, allowed and ordered paid by the Board of Supervisors. The Auditor shall also issue warrants on the City and County Treasurer for all debts and demands against the City and County when the amounts are fixed by law, or authorized by law to be allowed by some person or tribunal other than the Board of Supervisors.

SECTION 85. All warrants shall distinctly specify the liability for which they are drawn and when the same accrued.

SECTION 86. The Auditor shall examine and settle the accounts of all persons or officers indebted to the City and County or holding moneys payable into the City and County Treasury, certifying in duplicate the amount to the Treasurer and, upon the return to him of one of such certificates, with the Treasurer's receiving stamp properly enfaced thereon, give to such persons a receipt and discharge, and charge the same to the Treasurer with the amount so received by him.

SECTION 87. The Auditor shall keep accounts current with the Treasurer, and when any person deposits with the Auditor a properly stamped voucher, as herein provided, for any money paid into the Treasury, the Auditor shall file such voucher and charge the Treasurer with the amount thereof.

SECTION 88. All warrants issued by the Auditor during each year, commencing with the first Monday of January for the year

1909, and thereafter commencing with the first Monday after the first day of January, shall be numbered consecutively, the number, date and amount of each, the name of the person to whom payable, and the purpose for which drawn stated thereon; and they shall, at the time they are issued be registered by him, and such warrants, if uncalled for for two years, shall be cancelled.

SECTION 89. The Auditor shall, between the first and tenth day of each month, examine the books of the Treasurer, and he or his deputy shall examine, once in each month, the books of any other department, board or officer of the City and County, and see that the same have been correctly kept.

SECTION 90. The Mayor, the City and County Attorney and Auditor shall jointly, at least once in each three months, and at such other times as they may deem proper, count the money in the City and County Treasury and make and verify in duplicate statements showing:

1. The amount of money that ought to be in the Treasury;
2. The amount and kind of money actually therein.

SECTION 91. They shall file one of such statements in the office of the City and County Clerk, and the Auditor shall post and maintain the other in his office for at least one month thereafter.

SECTION 92. The Auditor and the Treasurer of the City and County must, on the first Monday in February, May, August and November, in each year, and at such other times as the Mayor or the Board of Supervisors may require, make a joint statement to the Mayor and Board of Supervisors showing the whole amount of collections (stating particularly the source of each portion of the revenue) from all sources paid into the City and County Treasury; the objects to which the same were ap-

plied, and the amount allotted to each; the total amount of warrants drawn and paid, and on and out of what funds; the total amount of warrants drawn and unpaid, the accounts or claims audited or allowed and unpaid, and the fund out of which they are to be paid; and, generally, make a full and specific showing of the financial condition of the City and County.

SECTION 93. The Auditor shall prepare and submit to the Mayor and Board of Supervisors each year a statistical report showing in compendious form all financial transactions of the City and County, exhibiting separately the receipts and expenditures by or on account of each office, board, commission and institution, and classify the principal items of income and expenditure according to a plan to be approved by the Mayor and Board of Supervisors, and the Board of Supervisors shall publish the same.

SECTION 94. The Auditor may appoint a Deputy Auditor who shall possess the qualifications required of the Auditor. The Auditor may also appoint such clerks as may be necessary for the proper discharge of his official duties, whose compensations may be appropriated by the Board of Supervisors.

SECTION 95. The Auditor shall discharge such other duties as are or may be required by law.

CHAPTER XVI.

THE TREASURER.

SECTION 96. The City and County Treasurer shall:

1. Receive all moneys belonging to the City and County and all other moneys by law directed to be paid to him, safely keep the same and apply and pay them out, rendering account therefor as required by law and perform such duties as are required by law;

2. File and keep one of the certificates of the Auditor delivered to him when moneys are paid into the Treasury;

3. Keep an account of the receipt and expenditure of all such moneys in books provided for that purpose in which shall be entered the amount, the time when, from or to whom and on what account all moneys were allowed and disbursements made;

4. So keep his books that the amount received and paid out on account of separate funds or specific appropriations shall be exhibited in separate accounts and the whole receipts and expenditures shown in one general cash account;

5. Enter no moneys received for the current year on his account with the City and County for the previous fiscal year until after his annual settlement for the previous year has been made with the City and County Auditor;

6. Disburse City and County moneys only on City and County Warrants issued by the City and County Auditor;

7. Disburse other moneys in the Treasury on such warrants only as shall be based on orders or appropriations of the Board of Supervisors or upon an order of the Circuit Court or as otherwise provided for by law.

SECTION 97. He shall receive no money into the Treasury unless accompanied by certificates of the Auditor as provided in Section Eighty-six (86) of this Charter.

SECTION 98. When any money is paid to the City and County Treasurer upon the certificates of the Auditor, as provided by the preceding Section, the Treasurer shall return one of the certificates to the Auditor with his receiving stamp enfaced thereon. The Auditor shall forthwith charge the Treasurer with such sum and give the person making the payment a receipt therefor.

SECTION 99. When a warrant is presented to the Treasurer for payment, if there is money in the Treasury for that purpose, he shall pay the same and write or stamp on the face thereof "Paid"; the date of payment and sign his name thereto.

SECTION 100. When any warrant is presented to the Treasurer for payment and the same is not paid for want of funds, the Treasurer shall first register the same in a book to be kept for that purpose, shall then endorse thereon "Not paid for want of funds" with the date of presentation, and sign his name thereto and return said warrant to the party presenting the same. From that time until paid, the warrant shall bear interest at the rate of five (5) per cent. per annum and it shall thereafter be paid in the order of its registration out of the funds properly chargeable therewith.

SECTION 101. When there are sufficient moneys in the Treasury to pay warrants drawing interest, the Treasurer shall give notice for one week in some newspaper published in the City and County, stating therein that he is ready to pay such warrants. Five days after the first publication, such warrants shall cease to draw interest.

SECTION 102. In advertising warrants under the provision of the preceding section, in any newspaper, the Treasurer shall not publish the warrants in detail, but shall give notice only that the City and County warrants whose numbers are stated and which were presented for payment prior to a certain date are payable.

SECTION 103. If such warrants shall not be presented for payment within sixty (60) days from the time the notice hereinbefore provided for is given, the funds set aside for the payment of the same must be by the Treasurer applied to the payment of unpaid warrants next in order of registry. The Board of Supervisors may, on application and presentation of warrants properly endorsed which have been advertised and not

presented within sixty (60) days as aforesaid, pass an order directing the Treasurer to pay them out of any moneys in the Treasury not otherwise appropriated.

SECTION 104. When the Treasurer pays any warrant upon which interest is due, he shall note on the warrant the amount of interest paid thereon, and enter on his account the amount of such interest distinct from the principal.

SECTION 105. The Treasurer shall settle his account relating to the collection, care and disbursement of public money with the Auditor on the first Monday of each month. For the purpose of such settlement, he shall make a statement under oath, of the amount of money received during the month prior to the period of such settlement, the sources whence the same was derived, the amount of payments or disbursements and to whom, with the amount remaining on hand. He shall in such settlement deposit all warrants redeemed by him and take the Auditor's receipt therefor. He shall also make a full settlement of all accounts with the Auditor annually on the first Monday in January, in the presence of the Supervisors.

SECTION 106. The City and County Treasurer shall make a detailed report at every regular meeting of the Board of Supervisors of the City and County, of all moneys received by him and the disbursements thereof, and all debts due to and from the City and County, and all other proceedings in his office, so that the receipts in the Treasury and the amount of disbursements, together with the debts due to and from the City and County, may distinctly appear.

SECTION 107. If the Treasurer wilfully neglects or refuses to settle or report as required in Sections One Hundred and Five (105) and One Hundred and Six (106) of this Charter, he shall forfeit and pay to the City and County the sum of One Hundred Dollars (\$100.00) for every such neglect or

refusal, and the Mayor shall cause to be instituted suits for the recovery thereof, as provided by law.

SECTION 108. The City and County Treasurer shall keep all moneys received by him belonging to the Territory, or to any other County in his own possession until disbursed according to law. He shall not place the same in the possession of any person for any purpose; nor loan or in any manner use or permit any person to use the same except as provided by law; but nothing in this section shall preclude him, with the approval of the Mayor, from making special deposits for the safe keeping of public moneys, but he shall be liable therefor on his official bond.

SECTION 109. The Treasurer may appoint a Deputy Treasurer who shall possess the qualifications required of the Treasurer, and such clerks as may be necessary for the proper discharge of his official duties; whose compensations may be appropriated by the Board of Supervisors.

SECTION 110. The Treasurer shall discharge such other duties as are or may be required by law.

CHAPTER XVII.

LEGAL DEPARTMENT.

City and County Attorney.

SECTION 111. The City and County Attorney shall be the public prosecutor for the City and County, and he, or his deputy, or deputies shall:

1. Attend all courts in and for said City and County and conduct on behalf of the people all prosecutions therein for offenses against the laws of the Territory of Hawaii and the

ordinances of the Board of Supervisors of the City and County, and all civil cases in which the City and County is interested.

2. In every case where there shall be a change of venue in any matter or proceeding in which the City and County is interested, whether civil or criminal, it shall be the duty of the City and County Attorney to appear and prosecute or defend the same in any County to which the same shall be changed or removed; the expenses of such proceedings shall be paid by the City and County.

3. Institute proceedings or direct the Sheriff or deputies to do so before the magistrates for the arrest of persons charged with or reasonably suspected of public offenses, when he has information that any such offenses have been committed; and for that purpose take general charge of criminal cases before the District Magistrates either in person or by the Sheriff, Deputy Sheriff or such other prosecuting officer as he shall appoint; and attend before and give advice to the Grand Jury whenever cases are presented to them for their consideration; provided, however, that nothing herein contained shall prevent the institution or conduct of proceedings by private counsel before magistrates under the direction of the City and County Attorney.

4. Draw all indictments, defend all suits brought against the City and County wherever brought, prosecute all recognizances forfeited in the courts of record, and all actions for the recovery of debts, fines, penalties, forfeitures and other claims accruing to the Territory or the City and County.

5. Deliver receipts for money or property received in his official capacity, and file duplicates thereof with the City and County Treasurer.

6. On the first Monday of each month, file with the Auditor an account verified by his oath of all moneys received by

him in his official capacity during the preceeding month and, upon receipt of the Auditor's certificate therefor, pay such moneys over to the City and County Treasurer.

SECTION 112. If the City and County Attorney refuse or neglect to account for and pay over all money received by him by virtue of his office, he shall be liable for such refusal or neglect upon his official bond, and the Treasurer shall bring an action against him for the recovery thereof in the name of the City and County and recover in such action, in addition to the amount so received, fifty (50) per cent. thereon by way of damages. No order of the Board of Supervisors shall be necessary to bring such action. The Treasurer's reasonable expenses, including an attorney's fee, shall be a City and County charge.

SECTION 113. He shall give when required and without fee his opinion in writing to the City and County officers on matters relating to the duties of their respective offices, and when required by the Board of Supervisors or any member thereof draft any ordinances for the City and County.

SECTION 114. The City and County Attorney shall be the legal adviser of the Mayor and the Board of Supervisors. He shall attend their meetings when required, and attend and oppose all claims and accounts against the City and County when he deems them unjust and illegal.

SECTION 115. The City and County Attorney shall not represent any party having a claim, account or demand for allowance against the City and County.

SECTION 116. The City and County Attorney when elected shall become a deputy of the Attorney General of the Territory, and shall report to the Attorney General from time to time as he may be required.

SECTION 117. The City and County Attorney may appoint not to exceed two Deputies. He may appoint a clerk, a stenographer and typewriter and a messenger, who shall hold their offices at his pleasure, and the specific duties of each shall be prescribed by him.

An officer of the Police Department shall be permanently detailed by the Sheriff for the purpose of doing the detective work necessary in preparing and prosecuting the litigation of the office who shall continue to serve on such detail during the pleasure of the City and County Attorney.

SECTION 118. Nothing in this Act contained shall preclude the Mayor or Board of Supervisors of the City and County from retaining or engaging special counsel when, in their opinion, such action may seem to be desirable or required; nor to prevent the Attorney General of the Territory or any of his deputies from appearing and representing the Territory in any case in which the rights or interests of the Territory of Hawaii are involved.

SECTION 119. The City and County Attorney shall discharge such other duties as are or may be required by law.

CHAPTER XVIII.

THE CITY AND COUNTY CLERK.

SECTION 120. The City and County Clerk shall:

1. Take charge of, safely keep and dispose of, according to law, all books, papers and records which may properly be filed in his office;
2. Be ex officio clerk of the Board of Supervisors, and, as such, perform the following duties:
 - (a) Record all the proceedings of the Board;

(b) Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and allowance of accounts against the City and County;

(c) Record the vote of each member on any question upon which there is a division or at the request of any member present;

(d) Immediately after adjournment of each meeting of the Board, certify all demands allowed and orders made for the payment of money, giving the amount and date of each demand, or order, and date of the allowance thereof, which demands or orders shall be countersigned by the Mayor, and thereafter the Clerk shall deliver the same to the Auditor;

(e) File and preserve the report of the City and County Treasurer of the receipts and disbursements of the City and County;

(f) Preserve and file a memorandum of all accounts acted upon by the Board;

(g) Authenticate with his signature and seal of the City and County, the proceedings of the Board whenever the same shall be ordered published;

(h) Administer oaths and affirmations, when requested to do so, without charge in all matters pertaining to the affairs of his office, and shall perform such services as may be prescribed by the Board;

(i) Perform all other duties required by law, or any rule or order of the Board;

3. Accept, subject to the approval of the Board of Supervisors, a seal of office, upon which shall always appear the name of the City and County of Honolulu, which shall be the seal of said City and County, and shall be used to authenticate all

official papers and instruments requiring execution or certification by the City and County Clerk, in the exercise of his office. A copy of the impress thereof, certified to be genuine, and also a copy of such seal of said City and County when altered or changed by the Board shall be filed in the office of the Secretary of the Territory;

4. Have the custody of the seal, and of all leases, grants and other documents, records and papers of the City and County of Honolulu. His signature shall be necessary to all leases, grants and conveyances of the City and County of Honolulu.

SECTION 121. The City and County Clerk may appoint a deputy clerk who shall possess the qualifications required of the Clerk, whose compensation may be appropriated by the Board of Supervisors.

CHAPTER XIX.

THE SHERIFF.

SECTION 122. Subject to the special provisions of this Act, the City and County Sheriff shall have and exercise all the powers, privileges and authority, and be required to perform all the duties in his own jurisdiction, as are now by law provided to be had, exercised and performed by the High Sheriff of the Territory or by the Sheriffs of the various Counties respectively; and shall have such other powers and duties as are by this Act conferred and which may be provided by any law hereafter enacted by legislative authority; provided, however, that nothing in this Act contained shall be construed to vest in the Sheriff of the City and County the care, custody or control of any Territorial jail, house of correction or penitentiary, or the care and custody of any of the prisoners confined therein.

SECTION 123. He shall:

1. Preserve the public peace;
2. Arrest and take before the nearest qualified magistrate for examination all persons who have attempted to commit, or who have committed a public offense, and shall prosecute the same under the direction of the City and County Attorney;
3. Prevent and suppress affrays, breaches of peace, riots and insurrections;
4. Attend all Circuit Courts held within the City and County and obey all lawful orders and directions of all courts held within the City and County;
5. In an emergency requiring the same, command the aid of as many male inhabitants of the City and County as he may think necessary in the execution of his duties;
6. Take charge of and keep the City and County Jail, and the prisoners therein;
7. Serve all processes and notices in the manner prescribed by law and endorse thereon the year, month, day, hour and minute of reception, and issue to the person delivering the same on payment of fees therefor, a certificate showing the name of the parties, title of paper and time when received;
8. Certify, under his hand, upon every process or notice, the manner and time of service, or if he fails to make service, the reason of his failure, and return the same without delay.

SECTION 124. The Sheriff and his Deputies shall be ex officio City and County Coroners, and as such, shall within the City and County and Districts, have all the powers and perform all the duties of coroners as provided by law.

SECTION 125. When a process or notice is returnable to any County he may enclose such process or notice in an envelope

addressed to the office from which the same emanated and deposit it in the Post Office prepaying postage.

SECTION 126. No direction or authority by a party or his attorneys to a Sheriff, in respect to the execution of process or return thereof, or to any act or omission relating thereto, shall be available to discharge or excuse the Sheriff from liability for neglect or misconduct, unless in writing, signed by the Attorney of the party, or by the party, if he has no Attorney.

SECTION 127. When the Sheriff is a party to an action or proceeding, the process and orders therein, which it would otherwise be the duty of the Sheriff to execute, shall be executed by a Deputy Sheriff; provided, when an action is begun against the Sheriff, all process and orders may be served by any person, a citizen of the United States, over the age of twenty-one years, appointed by the Court or Judge for that purpose.

CHAPTER XX.

DEPUTY SHERIFFS

SECTION 128. Each Deputy Sheriff shall within his respective District have the powers and perform the duties imposed by law upon Deputy Sheriffs.

CHAPTER XXI.

GENERAL PROVISIONS.

SECTION 129. Jurisdiction is hereby conferred upon the District Magistrates within their respective Districts in the City and County, to try all cases arising from the violation of any ordinance or ordinances in force in the City and County and to impose the penalties in such ordinances prescribed for such offenses in like manner as their original jurisdiction is exercised under the general law.

SECTION 130. Before the City and County shall be liable for damages to any person for injuries received upon any of the streets, avenues, alleys, side-walks or other public places of the City and County, the person so injured, or someone on his behalf, shall, within one year after receiving such injuries, give the Mayor notice in writing of such injuries, stating fully in such notice, when, where and how the injuries occurred and the extent thereof.

SECTION 131. Any City and County officer may remove from office any Deputy, Assistant or Clerk appointed by him. And any officer who shall have been appointed by the Mayor with the approval of the Board of Supervisors, may be removed by the same authority.

SECTION 132. Whenever the official name of any principal officer is used in this Charter, it includes his Deputies.

SECTION 133. Every department, board and officer, wherever one of them is mentioned in this Charter, means a department, board or officer, as the case may be, of the City and County of Honolulu.

SECTION 134. All deputies, clerks, assistants and other employees of the City and County must be citizens of the United States, and must, during their respective terms of office or employment actually reside in the City and County, and must have so resided for one year next preceding their appointment.

SECTION 135. No department, board or officer shall, under any circumstances, employ more subordinates than are authorized by this Charter or buy supplies beyond the sum furnished therefor by the Supervisors.

SECTION 136. Any officer of the City and County who shall, while in office, accept any donation or gratuity in money, or

other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him, shall forfeit his office, and be forever debarred and disqualified from holding any position in the service of the City and County.

SECTION 137. Every department, board and commission provided for in this Charter, except the Supervisors, shall render to the Mayor within one month after the end of each fiscal year a full report of all the operations of such department or board or commission for such year.

SECTION 138. Every officer who shall approve, allow or pay any demand on the Treasury not authorized by law, ordinance or this Charter, shall be liable to the City and County individually and on his official bond for the amount of the demand so illegally approved, allowed or paid.

SECTION 139. The departments, boards, commissioners and officers provided for in this Charter shall be entitled to the possession of all papers, books, documents, maps, plate, records and archives in the possession or under the control of those respectively who are superceded in office under this Charter by such departments, boards, commissioners and officers.

SECTION 140. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Certified copies or extracts from said books and records shall be given by the officer having the same in custody to any citizen demanding the same, and paying or tendering twenty cents a folio of one hundred words for such copies or extracts; but the records of the Police Department shall not be subject to such inspection except permission be given by the Sheriff.

SECTION 141. All appointments of officers, deputies and clerks to be made under any provision of this Charter, must be

made in writing and in duplicate, authenticated by the person or persons, board or officer making the same. One of such duplicates must be filed with the Clerk and the other with the Auditor.

When the appointment of any such officer is revoked the officer so revoked shall give notice, in writing, of such revocation to the Clerk and the Auditor.

SECTION 142. All ordinances, orders and resolutions of the Supervisors of the County of Oahu in force at the time this Charter takes effect, and not inconsistent herewith, shall continue in force until amended or repealed by the Board of Supervisors of the City and County of Honolulu.

SECTION 143. Every assistant, deputy or other subordinate of any board, department or officer, shall discharge any of the duties pertaining to such department, board or office as his chief may assign to him.

SECTION 144. The salaries provided in this Charter shall be in full compensation for all services rendered, and every officer shall pay all moneys belonging to the City and County coming into his hands as such officer, no matter from what source derived or received, into the Treasury of the City and County within thirty days after receipt of the same.

SECTION 145. When any officer, board or department shall require additional deputies, clerks, or employees, application shall be made to the Mayor therefor, and upon such application the Mayor shall make investigation as to the necessity for such additional assistance; and if he find the same necessary he may recommend to the Supervisors to authorize the appointment of such additional deputies, clerks or employees; and thereupon the Supervisors, by an affirmative vote of not less than five members, may authorize such officer, board or department to make such appointments, and provide for the compensation of such appointees.

SECTION 146. At any time between the first day of December, in the year One Thousand Nine Hundred and Eight and the first day of January, in the year Nineteen Hundred and Nine the person who, at the election held under this Charter in the month of November next preceding has been elected the Mayor of the City and County, shall make all the appointments provided by this Charter to be made by him, and all the persons so appointed shall thereupon qualify as in this Charter provided, and shall take office at the hour of noon on the first Monday after the first day of January in the year Nineteen Hundred and Nine, and all boards, commissions and officers of the County of Oahu by appointment under existing laws shall hold office no longer than said last aforesaid time.

SECTION 147. The balance remaining in the road funds of the several Districts in the County of Oahu at the hour of noon on the first Monday of January, A. D. 1909, shall forthwith be transferred to the road funds of the several Districts of the City and County. The balance remaining in the general fund of the County of Oahu at the hour of noon on the first Monday of January, A. D. 1909, shall forthwith be transferred to the general fund of the City and County. The balance remaining in any fund of the County of Oahu at the hour of noon on the first Monday of January, A. D. 1909, shall forthwith be transferred to the corresponding fund of the City and County.

SECTION 148. All property, real and personal, owned or controlled by the County of Oahu, at the hour of noon on the first Monday of January, A. D. 1909, shall forthwith be vested in and transferred to the City and County.

SECTION 149. All warrants issued by the Auditor of the Territory of Hawaii to the Treasurer of the County of Oahu under the provisions of Act 93 of the Session Laws of 1905, shall, after the hour of noon of the first Monday of January, 1909, be issued to the Treasurer of the City and County.

SECTION 150. All laws or parts of laws, so far only as the same may be inconsistent with any provisions of this Act, are hereby repealed.

SECTION 151. The short title of this Act shall be "The Municipal Act."

SECTION 152. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 119.

AN ACT

TO REGULATE THE SALE OF INTOXICATING LIQUORS. REPEAL-
ING ACT 67 OF THE SESSION LAWS OF 1905.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Definitions.

The term "intoxicating liquors" as used in this Act shall be held to include spirituous liquors, and any beverage in which may be found any percentage of distilled spirits, spirits, alcohol and alcoholic spirit as defined by the Laws of the United States, and any sake, beer, lager beer, ale, porter and malt or fermented or distilled liquors.

"Sunday" as used in this Act shall mean the time between twelve o'clock on Saturday night and five o'clock on the succeeding Monday morning.

"Gallon" as used in this Act shall mean the wine gallon defined and used as a standard of measure under the laws of the United States.

"Ounce" as used in this Act shall be held and taken to mean the 128th part of a gallon as above defined.

"Person" as used in this Act shall be held and taken to mean and include any corporation, joint stock company, individual or individuals, acting or being singly or together as a co-partnership, club or association of any kind whatever.

"Saloon" as used in this Act shall be held and taken to mean a place where intoxicating liquors are generally and publicly dispensed, over a bar or otherwise, as the principal business of the place.

"Hotel" as used in this Act shall mean a place or building of not less than twenty (20) guest rooms in respect to a license for premises situated wholly or in part within a radius of five (5) miles from any first or second class post office, or ten (10) rooms in respect to a license for premises situated wholly or in part within a radius of three (3) miles from any third class post office, or five (5) rooms in respect to a license for premises not situated within the limits of either of the districts above described.

"Board" as used in this Act shall mean the Board of License Commissioners, in each case for the County wherein a particular license is proposed to be or is exercised.

"Inspector" shall mean the License Inspector, in each case for the County wherein a particular license is proposed to be or is exercised.

"Licensed Premises" shall mean the premises in respect of which a license has been granted and is in force.

SECTION 2. No person shall sell, or expose, or keep, or offer for sale any intoxicating liquor, except as authorized or licensed so to do under the provisions of this Act.

But the provisions of this Act shall not apply to a duly licensed pharmacist making sales upon prescription or order of a physician duly licensed to practice medicine in this Territory.

ISSUANCE AND REGULATION OF LICENSES.

SECTION 3. There shall be a Board of License Commissioners in each County, composed of five members, who shall biennially be appointed by the Governor of the Territory with the advice and consent of the Senate, as herein provided. The members of each Board shall be divided in respect to the time for which they shall severally hold office, into two classes, of which the first shall consist of three members, and the second of two members. Upon the first appointment of such Boards under this Act, the first class of members of each Board shall be appointed to serve for four years and the second class to serve for two years. At each biennial period of appointment thereafter, the Governor shall appoint the successors to the class of members whose terms expire in such year, such successors in every case to hold office for four years; so that the term of office of one class shall expire every two years. Provided, that the first appointments of members of such Boards shall be made as soon as possible after the approval of this Act, and the members of the first class of each Board shall hold office until July 1st, 1911, and the members of the second class until July 1st, 1909; and all appointments after the first shall be made biennially as of July 1st of each odd-numbered year, beginning July 1st, 1909. Outgoing members shall be eligible for reappointment.

The members of such Boards shall serve without remuneration, except that they may be allowed their reasonable travel-

ling and other expenses while proceeding to, attending, and returning from attendance of meetings of the Board, or reasonably incurred in the discharge of their duties, the same to be paid out of such funds as shall be appropriated by the Legislature for the use of such Boards.

No person shall be a member of any Board who is or becomes engaged,* or directly or indirectly interested, in any business for the manufacture or sale of intoxicating liquors of any kind, or who is or becomes a member of or is identified or connected with the promotion of any temperance or anti-saloon organization, league or association of any kind. This provision shall be enforced by the Governor by the removal of the disqualified member whenever such disqualification shall appear.

All vacancies in any Board, however caused, shall be filled for the unexpired term by appointment by the Governor.

SECTION 4. Each Board, within its own County, shall have the sole power, authority and discretion to grant, refuse, suspend, revoke, regulate and control licenses to sell intoxicating liquors in such County, subject only to the limitations and directions in this Act contained. The exercise of the power, authority and discretion by this Act vested in the Board shall be final in each case, and shall not be reviewable by or appealable to any court or tribunal.

Every Commissioner shall have authority to administer oaths in all matters pertinent to the business of the Board.

SECTION 5. Each Board shall elect one of their number as Chairman and one as Secretary thereof, and shall have an official seal.

Every Commissioner shall forthwith after his appointment, and before performing any of the duties of his office, take and subscribe the following oath:

I, (name in full) do
 hereby solemnly swear that I will faithfully perform my duties
 as a license commissioner for the County of,
 Territory of Hawaii, so help me God.

(Signature in full)

.....

Subscribed and sworn to before me this
 day of 19..
 (name and authority of acknowledging officer)

.....

Such oath shall forthwith be filed with the Secretary of the
 Territory.

SECTION 6. Meetings of any Board may be held at any time
 and as often from time to time as such Board shall deem neces-
 sary for the proper transaction of its business, upon call of the
 Chairman, or in his absence or disability by any two members
 of the Board.

The Secretary shall give such notice of meetings to the
 several members as the Board may prescribe.

A majority of all the members of any Board shall constitute
 a quorum for the transaction of business; but the affirmative
 vote of a majority of all the members shall be necessary to de-
 termine any matter before it.

SECTION 7. The Secretary of each Board shall preserve a
 complete record of every application for a license or for re-
 newal of a license, and all proceedings had or done with respect
 thereto, and a like record of each license issued; and perform
 such other duties as the Board may direct. The Secretary
 shall also make annual reports to the Governor showing the
 number of applications received, granted and refused, the

number, class or kind of licenses issued, the name of the licensee, the location of the licensed premises, and the number of licenses suspended and revoked; together with any other data or information requested by the Governor or directed to be given by the Board.

Before entering upon his duties the Secretary shall file with the Auditor of the Territory a bond to the Territory in such amount and form and with such surety as the Auditor shall approve.

SECTION 8. There shall also be appointed in each County, by the Board of License Commissioners for such County, a License Inspector for such County, who shall serve during the pleasure of the Board and whose duties shall be such as are prescribed by this Act and by the Board. The compensation of the Inspector and the Secretary of the Board shall be such as may be fixed by the Board, and shall be paid as an expense of the Board. He shall take and subscribe an oath for the faithful performance of his duties substantially as required in the case of the oath of a License Commissioner.

SECTION 9. Licenses of the following classes may be granted under the provisions of this Act:

First: Wholesale License. To sell intoxicating liquors of any kind, in quantities not less than one gallon if taken from bulk containers, and not less than one bottle or flask if bottled goods, but not to be consumed upon the licensed premises.

The fee for this license shall be One Thousand Dollars (\$1,000.00).

Second: Retail License. To sell intoxicating liquors of any kind and in any quantity. Under this license the holder may conduct the following kinds of business, to wit: saloon, hotel, or restaurant. Every license of this class shall specify upon its face which of said kinds of business the holder thereof

may carry on; and no business other than that so specified shall be carried on by any such licensee on the same premises, except the sale of mineral waters and smokers' supplies.

The fee for this class of license shall be:

1. For saloon or hotel premises located wholly or in part within a radius of five miles from a first, second or third class post office, Seven Hundred and Fifty Dollars (\$750.00). For restaurant premises wholly or in part within a radius of five miles from a first or second class post office, Five Hundred Dollars (\$500.00).

2. For premises not located within the limits of the districts above described, Two Hundred and Fifty Dollars (\$250.00). Provided, that if the terms of any license shall include the right to sell intoxicating liquors in any hotel or restaurant at all times after the usual closing hours and on Sundays and during election hours, there shall be paid therefor in addition a further fee of Two Hundred and Fifty Dollars (\$250.00).

Third: To sell intoxicating liquors of any kind for a term not exceeding three days, by the glass, flask or bottle only, on any occasion, as may be approved by the Board. Provided that no such license shall be granted unless the application therefor shall first be approved by the person or persons, society or organization having charge of the place where it is proposed to exercise the same.

The fee for this license shall be Fifteen Dollars (\$15.00) per day.

Fourth: To sell wine manufactured by the licensee from grapes grown in the Territory by the licensee or others. Such wine shall be sold only on the premises where manufactured and shall not be consumed on such premises.

The annual fee for this license shall be Five Dollars (\$5.00).

Fifth: To sell for a period of ten years in quantities not less than five gallons in bulk intoxicating liquor, other than wine, manufactured in the Territory by the licensee.

The annual fee for this license shall be Five Dollars (\$5.00).

SECTION 10. Every license of each class shall be numbered consecutively, and shall bear upon its face the class, number, name of the licensee, the conditions prescribed for licenses of its class and kind, a description in detail of the premises covered by it, the date of issue and date of its expiration. It shall be signed by the Chairman of the Board and countersigned by the Inspector, and sealed with the seal of the Board.

The Treasurer of the Territory shall cause to be prepared and printed blank forms of licenses suitable for the several classes of licenses, and shall furnish the same to each Board without charge, upon request, as may from time to time be required.

SECTION 11. Every application for a license or for the renewal of a license shall be in writing, signed and verified by the oath of the applicant, or in the case of a corporation or unincorporated association, by the proper officers thereof, or if a partnership by a majority of the members thereof made before any official authorized by law to administer oaths, and shall be addressed to the Chairman of the Board for the County in which the license applied for is intended to be exercised, and shall set forth:

(1) The full name, age and place of residence of the applicant; and if a co-partnership the names, ages and respective places of residence of all the partners; if a corporation or joint stock company, its full name and date of incorporation and the names of its officers; and if any other association of individuals other than a corporation, the names, ages and re-

spective places of residence of its officers and the number of its members;

(2) A particular description of the place or premises where the proposed license is to be exercised, so that the exact location and extent thereof may be clearly and definitely determined therefrom; and if the application is for a hotel or restaurant, there shall be stated the capacity of the same to accommodate guests, boarders, lodgers or patrons, showing particularly the number of furnished rooms and meal tables;

(3) The class and kind of license applied for;

(4) If the application be to sell intoxicating liquors at a hotel or restaurant, and the applicant desires the privilege of exercising the license at all times, after the usual closing hours, and on Sundays, and during election hours, the request for such privilege shall be included in the application, and notice thereof included in the publication hereinafter required to be made.

If any false statement shall knowingly be made in any application for a license or for renewal of a license, the applicant, and in the case of the application being made by a corporation, association or club, the persons signing the application, shall be guilty of perjury, and shall be subject to the penalties prescribed by law for such offense.

SECTION 12. There shall be filed with every application for a license, except of the Third class, an instrument or instruments in writing containing the consent of a majority in number of the holders (members of incorporated societies and of associations, partnerships and joint lessees or holders to be considered as one holder) of the real estate situated within a distance of one thousand (1,000) feet in a straight line from the nearest point of the premises for which the license is asked to the nearest point of each of the surrounding properties, which consent shall be signed and acknowledged by all persons

agreeing thereto in manner as is required for deeds entitled to be recorded. If such consent be not so filed the Board shall decline to consider the application. Provided, that whenever the consent required by this Section shall have been obtained and filed as herein provided, unless the same shall be given for a limited term, no further or other consent for trafficking in liquor on the same premises, in manner as theretofore consented to, shall be required so long as such premises shall be continuously used for such traffic, unless such prior consent shall be revoked and notice thereof served upon the licensee and filed with the Secretary of the Board within the time limited for the filing of protests as herein after provided. And provided further, that the distance within which such consent of property holders is necessary shall be reduced from one thousand feet to two hundred and fifty (250) feet for all premises situate within half a mile from any first or second class post office in the Territory.

No person having once signed and acknowledged any consent to the issuance of a license, application for which has been duly filed, shall be at liberty to revoke the same as to such application without reason satisfactory to the Board.

SECTION 13. No renewals of existing licenses shall be granted except under the provisions of this Act. A renewal of a license shall be deemed an issuance of a license.

SECTION 14. There shall also be filed with every application for a license, or the renewal of a license, a good and sufficient bond, substantially in the form prescribed by Section 15 of this Act, in a sum equal to twice the amount of the license fee for the license applied for, with at least two good sureties, which bond shall be subject to the approval of the Board; provided, that any citizen of the Territory who is the bona fide owner of unincumbered real estate within the Territory, of a value equal to twice the amount of the bond required, accord-

ing to the last assessment of taxes on such property, over and above all his debts and liabilities, shall be accepted and approved as a sufficient surety.

SECTION 15. The form of the bond required by the last preceding Section shall be substantially as follows:

KNOW ALL MEN BY THESE PRESENTS: That we
, as Principal, and and
 as Sureties, are held and firmly bound
 unto the Treasurer of the, in the
 penal sum of Dollars (\$.....) lawful
 money of the United States, to be levied on our respective
 joint and several properties in case the conditions hereinafter
 set forth shall be violated; for the just and full payment of
 which we hereby jointly and severally bind ourselves, our
 heirs, executors and administrators.

Sealed with our seals and dated this day
 of A. D. 19....

The condition of this obligation is as follows:

Whereas the above bounden has
 applied or is about to apply for a license of the
 class to sell intoxicating liquors in accordance with the law
 approved the day of, 19...,
 entitled: "An Act to Regulate the Sale of Intoxicating
 Liquors," and has complied with all the requirements of law
 relative to the making of such application:

Now, THEREFORE, if the said application shall be granted
 and said license issued unto said
 and if, during the continuance of said license the said
 shall faithfully observe and keep
 all the conditions of said license, and all laws applicable to the

holding and exercise thereof, and shall not be convicted of the violation of any such conditions or laws, then this obligation shall be void; otherwise upon proof of a conviction of any such offense being made to the satisfaction of a court of competent jurisdiction, sitting without a jury, trial by jury being hereby waived in any such case, judgment shall be entered against the principal and the sureties named herein for the full amount of the fine and costs imposed as a penalty upon such conviction, and for the cost of all proceedings in connection therewith.

In the presence of:

.....

..... Principal.

..... Surety.

..... Surety.

SECTION 16. The Board may require disclosure upon oath and in detail of the property of any proposed surety on any bond, to determine the responsibility of such intended surety for the amount of the bond. In case at any time or times the security of any such bond shall depreciate to any extent which the Board shall deem prejudicial to the efficiency thereof, such Board may, upon notice to the licensee of not less than five (5) days, cancel such bond and require the licensee forthwith to furnish a new bond in lieu thereof before such cancellation, and if any licensee fails so to do, his license may be suspended until such order be observed or the Board may in its discretion cancel his license.

SECTION 17. In every case of an application for a license to sell intoxicating liquors at any restaurant, the Board shall be satisfied that the restaurant shall be a bona fide restaurant, at which meals are in good faith and in fact provided and to be

provided, upon specific charges for the same, and that the meals are such as require the service of a cook, and that there is actual cooking upon the premises in connection with meals served; no "free lunch" scheme, however devised, shall be carried on at any such restaurant. For the purpose of a more complete determination, a restaurant shall mean a place where meals are cooked, provided and served as the principal business thereof.

SECTION 18. No license shall be granted to a person who has been convicted of a felony under any law of the Territory, or to any person less than twenty-one years old, or to an applicant whose license under this Act has been revoked; nor shall a license be issued for any building or premises within one hundred and fifty (150) feet of a church, chapel or school, the measurements to be made in a straight line from the center of the nearest entrance of the building used for such place of religious worship or school to the center of the nearest entrance of the place in which such liquor traffic is proposed to be carried on, provided that this last provision shall not apply to the renewal of any existing license for a place which on the date of the taking effect of this Act is lawfully occupied as a hotel, nor to a place in which traffic in liquor is lawfully being carried on at said date, so long as such hotel or such traffic shall be continuously carried on at such place.

SECTION 19. Upon the filing of any application for a license or for the renewal of a license, the Secretary of the Board shall indorse thereon the date of filing thereof, and upon the order of the Chairman of the Board, if no patent disqualification of the applicant or certain valid objection to the granting of the application shall then appear and all requirements relative to the filing of the application shall appear to have been complied with, shall refer the application to the Inspector for investigation and report.

SECTION 20. On every application for a license, or renewal of a license, so referred to him, the Inspector shall report in writing to the Board, and if the application be for a license of any class other than the Third class, such report shall include:

- (1) A description of the house, premises and furniture;
- (2) If the application be made by a person who has held a prior license for the same or any other premises within two years past, a statement as to the manner in which the house or business has been conducted under such previous license;
- (3) A statement of the number, position and distance from the premises in respect of which a license is applied for, of the licensed premises in the neighborhood;
- (4) A statement of the locality of any church, chapel or school in the neighborhood, if any;
- (5) A statement whether the premises are within a distance of five miles from any first or second class post office or within three miles of a third class post office;
- (6) A statement whether or not the applicant is a fit and proper person to have a license;
- (7) A statement whether or not the applicant is for any reason disqualified by any provision of this Act from obtaining or exercising a license; and whether or not he has complied with all the requirements of this Act relative to the making and filing of his application;
- (8) A statement of the number of licenses of the same class or kind already issued and being lawfully exercised in the County;
- (9) Any and all other matters and things which in the judgment of the Inspector pertain to or affect the matter of the

application, or the issuance or the exercise of the license applied for;

(10) His recommendation for or against the granting of the application, specifying his reasons therefor.

SECTION 21. If the application be for a license of the Third class, the report of the Inspector shall contain:

(1) A description of the place where the proposed license is to be exercised; and under what circumstances and conditions; and the location thereof and the distance of the same from any church, chapel or school in the neighborhood, if any;

(2) A statement whether or not the applicant is a fit and proper person to receive and exercise such a license, or is disqualified by any provision of this Act from obtaining or exercising such license; and whether or not he has complied with all the requirements of this Act applicable to such licenses;

(3) Any and all other matters and things which in the judgment of the Inspector are pertinent to or affect the matter of the application, or the issuance or exercise of the license applied for;

(4) His recommendation for or against the granting of the application, specifying his reasons therefor.

SECTION 22. Upon the filing of the Inspector's report upon any application for a license other than of the Third class, the Board shall fix a day for the public hearing of such application, and shall publish notice of such hearing at least once a week for four consecutive weeks, in some newspaper published in the English language having a general circulation in the election precinct in which the proposed license is intended to be exercised, the date of the hearing to be not less than four weeks after the first publication, and in such notice shall require that all protests or objections against the issuance of the license

applied for shall be filed with the Secretary of the Board at or before said time of hearing. Before making such publication the Board may collect from the applicant the cost of making such publication.

SECTION 23. Protests against the granting or renewal of a license upon such application may be so filed by any registered voter for the election precinct within which such applicant proposes to establish his business under the license applied for, or by any person holding real estate within one thousand feet from the premises for which the license is asked; or by any person or persons on behalf or in the interest of any church, chapel or school situated within the distance restricted by this Act in favor of such institutions.

SECTION 24. Upon the day of hearing, or any adjournment thereof, the Board shall consider said application and any protests and objections to the granting thereof, and hear the parties in interest and shall within ten days thereafter give its decision granting or refusing such application. Provided that if a majority of the registered voters for such precinct shall have duly filed or caused to be filed their protests against the granting or renewal of the license applied for, or, if it shall be made to appear to the Board by any protester that the necessary written consent of property holders has not been fairly obtained and filed as required and intended by this Act, or if there appear any other disqualification under this Act, the application shall be refused. Otherwise the Board may in its discretion grant or refuse the same. The Board may also, with like discretion grant a license to one person in preference to another, without reference to any priority in the order of filing of the applications; and may of its own motion, or on the suggestion of any member thereof or of the Inspector (even though such Inspector may have previously approved the application) take notice of any matter or thing which in the opinion of a majority of its members would be

a sufficient objection to the granting of a license; but in such case if the objection be one to which the applicant should be given a reasonable time to answer, a continuance may be granted in the discretion of the Board. Provided, nevertheless, that in case where the person or persons affected by such decision shall petition the Board for a re-hearing of the application and on oath allege facts and grounds for consideration which were not formerly presented or considered, or any other matter of fact which in the judgment of the Board shall seem sufficient to warrant a rehearing, such rehearing may be granted by the Board in their discretion. When a rehearing is allowed notice thereof shall be given to the applicant and to his opponents, by publication or otherwise as the Board shall direct.

SECTION 25. If any applicant for a license has at any time been refused a license on the ground that he is not a fit person to hold a license, no application by him shall be considered for two years from such refusal, or the last of such refusals if there shall have been more than one. And if an application shall be refused either upon the ground that the necessary consent of neighboring property holders has not been obtained as required by Section thirteen of this Act, or because a sufficient number of protests have been filed and sustained under the provisions of Sections twenty-three to twenty-five of this Act, no other application shall be considered for the same person for the same premises within two years from such refusal thereof; or if the refusal shall have been because of any limitation with respect to the distance of the premises proposed to be used from any church, chapel or school still maintained, no other application shall be considered for the same premises so long as such church, chapel or school shall so continue to be maintained.

SECTION 26. All license fees shall be paid to the Secretary of the Board in the County wherein the licenses upon which the same are paid are issued. Such Secretary shall keep a book wherein he shall enter an account of all such fees received by

him, and he shall at the end of each calendar month forward to the Treasurer of the Territory all such fees received by him during such month.

SECTION 27. All licenses and renewals of licenses, except those of the Third class, shall be for a term of one year; the fees therefor shall be and become payable in two semi-annual instalments in advance on the first day of July and the first day of January in the term of the license, and the licenses shall date from either of said days. No license shall be issued until the applicant shall have paid to the Secretary of the Board by which such license is to be issued the first instalment of the annual fee for the license applied for. Provided that licenses may be granted after the first day of July or of January of any year for the period to end the first day of January or July next following, in which case the license fee shall be proportionately computed and fully paid for the period from the first day of the month in which the license is issued to the first day of July or January next following.

SECTION 28. If the second instalment of the license fee for any license shall not be paid when due, the license whereon the same is due shall, ipso facto, be suspended until payment shall be made; and any attempt of the licensee to exercise his business while his license is so suspended shall subject him to all the penalties by this Act prescribed for the illicit sale of intoxicating liquor; and his license may be revoked or further suspended or he may be reprimanded by the Board.

SECTION 29. No license of the Third class shall issue until the applicant shall have paid therefor the fee for the number of days for which the license is to be issued.

CONDITIONS OF LICENSES.

SECTION 30. Licenses shall be subject to the following conditions and provisions:

(1) That the license is issued and accepted subject to all the provisions of this Act in regard to suspension or revocation thereof by the Board, for any violation of the conditions thereof or of any law affecting the same;

(2) That no intoxicating liquor shall be sold or furnished under such license otherwise than as provided and intended for the class to which the same belongs and the kind of business therein specified.

(3) That the license shall at all times be displayed in a conspicuous place on the premises described therein;

(4) That no holder of a license for a saloon business shall employ any minor in or about the room or place where intoxicating liquors are furnished or sold:

(5) That no intoxicating liquor shall be sold or furnished to any female on any saloon premises or in any case to a minor, or to any person whose wife, daughter, son, brother, sister, parent, guardian or employer shall have given notice as hereinafter provided, forbidding the sale of such liquor to such person;

(6) That no minor or female shall be permitted to be or remain in or about any saloon premises, and that no gambling shall be permitted on such premises; nor shall any such person be permitted to be or remain in or about any part of any hotel or restaurant premises where intoxicating liquors are sold and dispensed over a bar or in manner or effect as though under a saloon license;

(7) That no liquor shall be sold or furnished between the hours of eleven thirty o'clock at night and six o'clock of the following morning, nor on a Sunday, nor during voting hours on any day when a public election is held, except at a club, or except at an hotel or restaurant under the special terms of the license;

(8) That no drunken or disorderly persons shall be permitted to be or remain in or about any licensed premises;

(9) That the licensed premises shall at all times be open to inspection by the Inspector, and any member of the Board, and officers of the police force.

(10) That for the violation of any of said conditions or laws the licensee shall become liable to all penalties and prosecutions provided by law with respect thereto, in addition to and independently of any action of the Board with respect to his license.

FORFEITURE, REVOCATION AND TRANSFER OF LICENSES.

SECTION 31. In the exercise of the power and authority by this Act conferred, each Board of License Commissioners may revoke any license issued by virtue of its approval, or suspend the right of the licensee to use his license, or reprimand a licensee, either for the violation of any condition of such license or upon the conviction at law of a licensee of the violation of any of the provisions of law relative to his license or the proper exercise thereof, or for any other cause deemed sufficient by the Board; provided, however, that in every case where it is proposed to revoke or suspend the exercise of any license, for any cause other than for a conviction at law of the licensee as above specified in this Section, written notice shall be given the holder of such license, specifying the cause or causes for which it is proposed to take such action and fixing the date of hearing, such notice to be given at least five (5) days before such hearing. Provided also that when it is deemed urgent by the Board, for the proper protection of the public that a license be immediately or summarily suspended pending the hearing and decision of the charge against the licensee holding the same, such suspension may be made, and if made a copy of the order of suspension shall be served upon the licensee at the same time as the notice of hearing referred to. Any at-

tempt of the licensee to exercise his business while his license is so suspended, shall subject him to all the penalties by this Act prescribed for the illicit sale of intoxicating liquors. At such hearing, before final action is taken by the Board, the licensee shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing that the alleged cause or causes for such proposed action do not exist, or any reasons why no penalty should be imposed. And provided further, that all licenses of the third class shall be subject to summary revocation for any violation of or evidence of intent to violate the proper exercise thereof, without hearing before the Board.

SECTION 32. Upon final conviction of the violation of the conditions of his bond by any licensee under this Act, it shall be the duty of the Board to deliver said bond to the Attorney General for its enforcement according to law.

SECTION 33. If a licensee shall become a legally adjudicated bankrupt, or make an assignment for the benefit of his creditors, or shall die, before the expiration of the term of his license, his trustee in bankruptcy, assignee, executor or administrator, as the case may be, may, with the consent of the Board, continue to exercise such license for the purpose of closing the affairs of such estate; but if not so continued within fifteen days the Board shall cancel such license.

If the use of the premises covered by any license shall become lost to the licensee by reason of being sold under foreclosure proceedings, or a civil execution or other legal process, or for any other cause, which shall force a cessation of the business of the licensee thereon under such license (other than by a revocation or suspension of his license under this Act), and no proper permission is obtained by the licensee to continue his business under said license at some other place, the Board shall cancel said license.

SECTION 34. In case a license is revoked the licensee may sell the liquor then in his possession to persons out of the Territory or to other licensees. In case liquor is taken from a licensee under foreclosure proceedings, or by a civil execution or other judicial process, the mortgagee, or the sheriff, commissioner, or other officer appointed for such purpose by law or judicial authority, may sell such liquor at auction as hereinafter permitted, or to persons out of the Territory, or to other licensees. Provided, however, that every sale made by authority of this Section shall be accompanied by immediate and actual delivery, and shall be made within sixty days after such revocation, or after the legal qualification of such representative, or after such liquor is taken from such licensee, as the case may be.

SECTION 35. No license issued under this Act shall be transferrable except by the written consent of the Board; nor shall any licensee conduct or attempt to conduct the licensed business at any place other than that specified in the license without like written consent. This Section shall not be construed to permit any licensee to transfer his business to any place outside of the election precinct wherein it was theretofore lawfully exercised, or to infringe upon the rights of a majority of the property holders as in Section Twelve of this Act intended to be saved to them.

VIOLETIONS AND PROSECUTIONS.

SECTION 36. It shall be the duty of every Inspector, and it shall be lawful for any member of the Board or any officer of the police force of the Territory, at all reasonable times, and at any time whatsoever if there be any reason for any suspicion that the conditions of any license are being violated, without warrant to enter into and upon any licensed premises and inspect the same and every part thereof, to ascertain whether or not all conditions of the license and all provisions of this Act are being complied with.

Whenever any such officer, or any person called by him to his aid, is hindered, obstructed or prevented by any licensee or his employees from entering into any such premises; or whenever any such officer is by any licensee or his employees prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under this Act in any respect, such licensee and every person who shall have assisted him in such offense, shall be guilty of a misdemeanor and on conviction thereof, be fined in a sum not to exceed One Thousand Dollars (\$1,000.00).

Whenever any such officer, having demanded admittance into any licensed premises, and declared his name and office, is not admitted by the licensee or the person in charge of such premises, it shall be lawful for such officer at all times to break open by force any of the doors, or windows, or to break through any of the fences or walls on such premises necessary to be broken open or through to enable him to enter such premises.

SECTION 37. Any Inspector or police officer who observes any violation of any of the provisions of this Act, shall forthwith arrest such licensee without warrant; and any citizen who observes any such violation shall forthwith report the same to the Inspector or to the police.

ILLICIT SALES OF LIQUOR.

SECTION 38. Proof of the delivery of any intoxicating liquor, either by the owner or occupant, or by his or her servant or employee, or by any other person in the house or place, without authority of a proper license, shall be prima facie evidence of money or other consideration having been given for such intoxicating liquor.

SECTION 39. If any person makes complaint, supported by oath or affirmation, before any District Magistrate, setting forth facts sufficient to show probable cause that intoxicating liquor is kept or deposited for sale or distribution contrary to

law in any dwelling house, store, shop, steamer or vessel engaged in the carrying trade between any ports of this Territory, depot, railway car or land carriage, of any description, warehouse or any other building, or in any other place in the district within which such Magistrate resides, such Magistrate shall issue a warrant, directed to a member of the police force commanding him to search the premises or place described in such complaint, and if intoxicating liquor is found therein under circumstances warranting the belief that it is intended for sale or distribution contrary to law, the officer acting under such warrant shall seize and convey such liquor to some place of security and keep it until final action is had thereon.

SECTION 40. Any Inspector or police officer who has information which causes him to believe that intoxicating liquor is kept or deposited in any place designated in the preceding Section, except a dwelling house, or is kept or concealed in any conveyance, baggage or clothing being conveyed along the highway, for sale or distribution contrary to law, shall search such suspected place without warrant; and if such Inspector or officer finds upon the premises intoxicating liquor, under the circumstances warranting the belief that it is intended for sale or distribution contrary to law, he shall seize and convey the same to some place of security, and keep it until final action is had thereon. Such officer shall forthwith after such seizure make written complaint under oath, setting forth such facts before the District Magistrate for the District within which such seizure was made; provided, however, that no search warrant shall be made unless the officer has reason to believe that the delay necessitated by the procurement of such warrant would result in loss, destruction or concealment of the evidence of such violation.

SECTION 41. The owner, keeper, and all persons having the custody of liquors seized as provided for in Sections 39 and 40 of this Act shall be forthwith arrested and brought before

the District Magistrate of the District wherein such arrest is made; and if upon hearing duly had before such Magistrate, it shall appear that such liquor seized as aforesaid was intended for sale contrary to law, such liquor and the casks or vessels in which it is contained shall be adjudged forfeited and condemned, and shall be destroyed, or sold by the County Sheriff under written order of such Magistrate and in his presence or in the presence of some person appointed by him and named in said order for that purpose, who shall join with the officer executing said order in certifying upon the back thereof the execution of the same. If sold, the proceeds shall be paid to the Treasurer of the Territory. If the owner or keeper of such liquor seized as aforesaid is unknown to the officers making such seizure, or if no person is found in possession or custody of the same, the officer shall arrest and bring before said Magistrate the owner or occupant of the building, place or premises, or driver, or person in charge of the conveyance in which such liquor is found, if such person is known or can be ascertained. Upon condemnation of such liquor, any and all persons arrested under this Section, who shall have been found guilty by said District Magistrate of having knowingly engaged in, aided, assisted or abetted the obtaining, keeping or sale of such liquor contrary to law, or have been privy thereto, or have knowingly permitted the use of such place, building, premises or conveyance for such unlawful keeping or sale, shall be punished as hereinafter provided.

SECTION 42. When the owner or possessor of intoxicating liquor seized under the provisions of this Act appears and makes claim to the same, he shall file with the District Magistrate before whom the proceedings are pending, his claim in writing, setting forth his interest in the liquor, and the reason why it should not be adjudged forfeited; he shall also give bond to the Treasurer of the Territory sufficient in amount and sureties, approved by such Magistrate, conditioned that such claim will be diligently prosecuted, and if decided against such claimant, that he will pay the costs awarded against him.

SECTION 43. If the judgment is against the claimant, the liquor and casks or vessels containing the same shall be adjudged forfeited, and destroyed, or sold as provided in this Act, and judgment shall be rendered against such claimant for all costs of prosecution incurred after the filing of his claim.

SECTION 44. An appeal shall be allowed to any claimant of liquors seized as provided in this Act, from the judgment of the District Magistrate in the same manner as appeals are allowed in other cases before District Magistrates.

SECTION 45. If the claimant fails to appear and prosecute diligently his appeal, or if he fails to secure a reversal of the judgment in the appellate court, such court shall order the liquor seized to be disposed of in the same manner as is herein provided for a District Magistrate.

SECTION 46. If liquor seized under the provisions of this Act as intoxicating is made the subject of a writ of replevin, such liquor shall not be delivered to the claimant, but shall be held by the officer having it in custody until the final determination of the suit, whereupon it shall be delivered to the party in whose favor judgment is rendered, or to the officer having authority to destroy or sell the same under the original seizure proceedings; no proceedings except final execution on seizure of intoxicating liquors, shall be delayed by proceedings in replevin thereof, but shall proceed to final judgment as if replevin had not been begun.

ADULTERATION.

SECTION 47. If a person who has reason to believe that a licensee is selling intoxicating liquor that is adulterated, shall call the attention of the Inspector thereto, said Inspector, or any person authorized by him in writing, shall secure from such licensee a sample or samples of liquor for analysis; and said Inspector may at any time procure or so cause to be procured samples of liquor for analysis.

SECTION 48. The Inspector or the person so authorized shall, upon procuring samples from such licensee, immediately disclose to the licensee his office or authority, and in case such procurer shall be a person other than the Inspector, he shall then deliver to the licensee a copy of the written order to procure such samples; and the vessel or vessels containing the same shall then be sealed by the procurer thereof before being taken from the premises of such licensee and the licensee may also attach his seal thereto.

SECTION 49. The Inspector shall cause the samples so obtained to be immediately delivered to the Food Commissioner or Analyst, or some other competent analyst who shall make an analysis of such liquors, and shall send a certified report of such analysis to said Inspector, who shall file the same with the Secretary of the Board.

SECTION 50. If the samples analyzed be found free from the adulteration prohibited by the laws of the United States, the certificate referred to in the preceding Section shall so state, and the Board shall pay to the licensee a sum equal to the value of the sample, and if requested by the licensee the Secretary shall furnish him a copy of the analysis.

SECTION 51. If the certificate of analysis shows the sample to contain liquor that is adulterated according to the laws of the United States the Inspector shall prosecute such licensee for selling, offering for sale or furnishing adulterated liquor, as the case may be. And the licensee from whom such sample was obtained shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed Six Hundred Dollars (\$600.00), and his license may be revoked.

PENALTIES.

SECTION 52. Any person who tampers with the samples of liquor taken for analysis under the provisions of this Act shall be guilty of a misdemeanor and on conviction thereof be fined

not less than Two Hundred Dollars (\$200.00) nor more than Six Hundred Dollars (\$600.00), or be imprisoned not less than six nor more than twelve months.

SECTION 53. Any licensee who refuses to deliver samples of liquor for analysis upon disclosure of the authority in the manner provided by Section forty-eight of this Act shall be guilty of a misdemeanor and on conviction thereof, be fined not less than Two Hundred Dollars (\$200.00) nor more than Six Hundred Dollars (\$600.00).

SECTION 54. Any person, other than a licensee, his agent or employee, who shall sell, dispose of, furnish or keep for sale intoxicating liquor of any kind, or shall cause to be sold, disposed of, furnished or kept for sale any such liquors by a person engaged or hired for such purpose; or any licensee, himself or by agent or employee, who shall sell, dispose of, furnish or keep for sale, or cause to be sold, disposed of, furnished or kept for sale, any such liquors, after revocation of his license, save as permitted by this Act shall be guilty of a misdemeanor and on conviction thereof, be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or be imprisoned for not more than twelve months, or both.

SECTION 55. A minor who falsely represents his age for the purpose of procuring intoxicating liquor, and any woman or minor visiting any saloon premises for the purpose of purchasing intoxicating liquor, and any person encouraging or inciting any woman or minor to so visit such premises, shall be guilty of a misdemeanor and shall on conviction thereof be fined not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00).

SECTION 56. If any licensee (or any employee or agent of such licensee) holding a saloon license shall purchase or receive from a person in payment for liquor sold or furnished to such person, anything except current money or checks on banks or

bankers, or shall sell upon credit any liquor to be consumed on the premises, or shall receive from any person any wearing apparel, tools, implements of trade or husbandry, household goods, furniture or provisions, either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is intoxicating liquor, or shall receive from a person any such article in pawn or pledge for intoxicating liquor, shall be guilty of a misdemeanor and on conviction thereof be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

SECTION 57. No person shall recover by any process of law any debt or demand on account of the sale on credit of any intoxicating liquor for consumption on the premises.

SECTION 58. Every person who, being intoxicated, shall enter any premises licensed for the sale of intoxicating liquors, or who being intoxicated upon said premises shall not leave the same when requested by the licensee, or by any person in his employ, shall, upon conviction thereof, pay a fine of not more than Ten Dollars (\$10.00).

SECTION 59. Every person holding a saloon license shall have the power to refuse to sell liquor to any person to whom he does not desire to sell the same, and shall further have power to refuse to permit any such person to come, or remain, on his premises.

SECTION 60. Any licensee or other person who violates any of the provisions of this Act for which a penalty is not otherwise prescribed, shall be guilty of a misdemeanor and on conviction thereof be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned not less than one month nor more than three months, or both.

SECTION 61. It shall be unlawful for any person to whom any intoxicating liquor has been consigned, whether consigned

to him in his own or under a fictitious name, to give to any other person an order upon any common carrier or any officer, agent or employee of such common carrier, so as to enable such other person to procure or receive such liquor for himself or for any person, other than the consignee; and any person violating the provisions of this Section shall be guilty of a misdemeanor and on conviction thereof be fined in a sum not to exceed One Thousand Dollars (\$1,000.00) or be imprisoned for not more than three months, or both.

SECTION 62. It shall be the duty of every judge and District Magistrate before whom a person is found guilty of being intoxicated, to immediately notify the Inspector in writing of the name and residence of the person so found guilty, and it shall thereupon be the duty of said Inspector to likewise notify all licensees. If any person shall be twice convicted of drunkenness, it shall be unlawful for any licensee within two years after the second conviction to sell any intoxicating liquor to such person. Any person violating the provisions of this Section shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding One Hundred Dollars (\$100.00).

SECTION 63. A husband, wife, child, parent, guardian, employer or other person, or the legal representative of such person, who is injured in person, property or means of support by an intoxicated person who shall have been twice convicted of drunkenness or in consequence of the intoxication of such person so convicted, may bring either a joint action against the person intoxicated, and the person or persons who furnished the liquor and thereby in whole or in part caused such intoxication, or a separate action against either or any of them. A married woman may bring such action in her own name, and all damages recovered by her shall inure to her separate use; and all damages recovered by a minor shall be paid either to such minor or to some person in trust for him, and on such terms as the court may direct. Upon the death of any party

to such a suit the action and right of action shall survive to and against his executor or administrator.

If the judgment recovered under this Section against any licensee remains unsatisfied for thirty days after its entry, the license of such judgment debtor shall be revoked by the Board.

SECTION 64. Any wife, daughter, son, brother, sister, parent, guardian or employer or any person who by excessive use of intoxicating liquor injures his or her health, or endangers or interrupts the peace and happiness of his or her family, or becomes a public nuisance, may give written notice to any licensee not to sell or furnish any intoxicating liquor to such person, and thereafter any licensee who sells, gives or in any manner furnishes any intoxicating liquor to such person shall be held liable in damage to such complainant upon suit brought in manner as mentioned in the last preceding Section.

SECTION 65. Nothing in this Act contained shall be construed as vesting in the Board any criminal jurisdiction to punish by fine or imprisonment for any offense against the provisions of this Act, provided that no provision of this Act relative to any criminal prosecution or punishment at law of any licensee for any violation of the conditions of his license shall be construed to affect or impair the right of the Board having jurisdiction of the license held by such licensee to further punish such licensee by a suspension or revocation of his license, as such Board shall deem proper.

GENERAL PROVISIONS.

SECTION 66. No intoxicating liquor shall be sold at auction in any house or upon any premises not licensed for the sale of intoxicating liquor. Any auctioneer or other person violating the provisions of this Section shall be guilty of a misdemeanor and be subject to the penalty hereinbefore prescribed for selling intoxicating liquor without a license. Provided that nothing in this Act shall be taken as prohibiting the sale of

liquors in wholesale quantities by a person, or any duly licensed auctioneer employed by him, upon whom a duty to sell at auction is imposed by the direction or authority of any court, for the purpose of liquidating or winding up any trade, business or estate, whether such liquidation or winding up shall arise through surrender or termination of a license, or by reason of bankruptcy, assignment for the benefit of creditors, or in probate, or other legal process or proceeding; provided further that in every such case the liquor sold shall form and be regularly inventoried by such vendor as part of the assets of the estate, business or enterprise being administered upon by him. In every such case the Board may issue authority to such person to conduct such sale without payment of a license fee or giving of a bond. Provided, that nothing herein contained shall apply to the sale by auction of intoxicating liquors in bond by sample, if the owner thereof shall be duly licensed for the sale of such intoxicating liquors.

SECTION 67. In prosecutions for offenses against any of the provisions of this Act if a specification is required it shall be sufficient to specify the offense with such certainty as to time and person as the prosecutor is able to give, and the same may be amended on trial; when the specifications set forth the sale or furnishing of intoxicating liquor to any person or persons unknown, the witnesses may be enquired of as to such transactions, and if the name or names are disclosed, the specifications may be thereupon amended upon such terms as to postponement of trial as may be deemed reasonable by the court or magistrate before whom such trial is being had.

SECTION 68. All provisions of Act Sixty-seven of the Session Laws of 1905, are hereby repealed, except as to the offenses committed, acts done in violation of, or rights accrued or established under the provisions of said Act, and causes either civil or criminal either pending at the time this Act shall go into effect, or subsequently brought to enforce any of the provisions of said Act; and as to every such offense, act, and right, and

actions to enforce the same said Act above specified shall continue and remain in full force.

SECTION 69. Any holder of a license under the provisions of the Act referred to in the preceding Section, may at his option surrender the same and thereupon be entitled to receive a license under this Act prescribed, in which event the expired value of the license held shall be credited upon the fee for the new license taken out.

SECTION 70. Any person required by this Act to verify any petition or qualify under oath to any bond, who shall knowingly make any false statement or commit any fraud as to any material matter or matters therein, shall be deemed guilty of perjury, and upon conviction shall be punished as provided by law.

SECTION 71. This Act shall take effect from the date of its approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 120.

AN ACT

TO AMEND CHAPTER 17 OF THE REVISED LAWS OF HAWAII BY
ADDING A NEW SECTION THERETO, TO BE KNOWN AS
SECTION 213A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Chapter 17 of the Revised Laws of Hawaii is hereby amended so as to add a new section thereto, to be known as Section 213A, and to read as follows:

"Section 213A. It shall be the duty of each deputy sheriff, or such police officers as he shall designate, to not less than once each week visit each public school within the county district of which he is deputy sheriff, to ascertain from the teacher or other officer or agent of the Department of Public Instruction in charge thereof what children, if any, of school age persist in absenting themselves from such school.

Upon complaint made to any deputy sheriff by any teacher or other officer or agent of the Department of Public Instruction of the Territory of Hawaii that any child of school age has persisted in absenting himself from any school located within the county district of which he is deputy sheriff, such deputy sheriff shall immediately ascertain the whereabouts of such child and the cause of his absence from school and report the same in writing to the teacher or other officer or agent of the Department of Public Instruction making such complaint."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 121.**AN ACT**

TO PROVIDE A SINKING FUND FOR THE REDEMPTION OR PURCHASE OF BONDS ISSUED BY ANY COUNTY OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Treasurer of each of the different Counties of the Territory is hereby authorized and empowered to establish as a special deposit in the Treasury of the County of which he is Treasurer a sinking fund with which to pay any present or future bonded indebtedness of said County, and upon one year from date of any County bond issue hereafter made by said County, whether the same is a refunding bond issue or otherwise, and thereafter annually until all of the bonds of such issue shall have been called in, he shall transfer from the current receipts of said County and deposit to the credit of said sinking fund such an amount of money as will, compounded annually at the rate of interest specified in the bonds of such issue, amount in the unexpired term thereof to the full face value of such bond issue.

Such sums so deposited as aforesaid shall be used for the redemption or purchase of any outstanding County bonds of said County and shall not be held exclusively for the redemption or purchase of the bonds used as a basis for the annual deposits.

It shall be the duty of the Auditor of any County which issues County bonds to open and keep in his books a separate and special account of this fund, which shall be known as the Sinking Fund account of said County and which shall, at all times, show the exact condition thereof.

SECTION 2. Whenever the sum on deposit to the credit of said sinking fund is sufficient, the Treasurer may redeem one or more bonds; provided, however, that prior to such redemption he shall advertise in a newspaper of general circulation published in the County, in Honolulu, and in other places where interest payments upon said bonds are made, not less than once a week for three successive weeks that he is prepared to pay such bonds together with all interest accrued thereon, giving the numbers, issue, date, date of payment, the date of interest will cease, and such further information as may be required by the terms of said bond or any law of the Territory of Hawaii. If said bonds so sought to be redeemed as aforesaid are not presented for payment or redemption on or before the payment date specified in said advertisement, the amount due thereon shall be held exclusively for the payment of said bonds whenever presented. All redemptions shall be made as provided by law and no notice of redemption shall be required other than that by publication as hereinbefore provided.

SECTION 3. Provided it can be shown to be to the financial advantage of the County, the Treasurer of the County, by and with the consent of the Board of Supervisors, is hereby authorized to buy in the open market any of the outstanding bonds of the County not yet redeemable whenever there are any funds to the credit of this sinking fund account in excess of the amount needed for the redemption of any bonds then redeemable, the expense of such purchase over and above the purchase price of said bonds to be a proper charge against this fund.

SECTION 4. This Act shall take effect May 30, 1907.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 122.**AN ACT**

TO AMEND SECTION 1122, CHAPTER 94 OF THE REVISED LAWS OF HAWAII, RELATING TO LEPER SETTLEMENT AND HOSPITALS AND TO ADD A NEW SECTION THERETO, TO BE KNOWN AS SECTION 1122A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1122, Chapter 94, of the Revised Laws of Hawaii is hereby amended to read as follows:

“Section 1122. Lepers, Confinement. The Board of Health or its agents are authorized and empowered to cause to be isolated and confined in some place or places for that purpose provided, all persons suffering with leprosy who shall be pronounced capable of spreading that disease; and it shall be the duty of each District Magistrate when properly applied to for that purpose by the Board of Health or its authorized agents to issue a penal summons to any person alleged to be suffering with leprosy or deemed capable of spreading that disease, ordering him to appear at the time and place specified in the application for such summons, then and there to submit to a medical examination for the purpose of determining whether or not he is suffering from leprosy; and in the event that such person shall fail to appear in answer to such summons said District Magistrate shall cause the arrest of such person and his delivery to the Board of Health or its agents; and it shall be the duty of the High Sheriff of the Territory of Hawaii and his deputies and of the police officers to assist in securing the conveyance of any person so summoned or arrested to such place as the Board of Health or its agents may direct, in order that such person may be subjected to a medical examination, and thereafter to assist in removing such person to a place of treatment or isolation if so required by the agents of the Board of Health. Provided, however, that such medical examination shall, in all

cases, be made with the least possible delay after such summons or arrest as aforesaid."

SECTION 2. A new section is hereby added to Chapter 94 of the Revised Laws of Hawaii, to be known as "Section 1122A," and to read as follows:

"Section 1122A. Examination. With the least possible delay after a person has been taken into custody as provided in Section 1122 of the Revised Laws, the Board of Health shall cause such person to be carefully examined by two physicians duly licensed to practice medicine in this Territory; one of such physicians shall be chosen by the Board, and the other by the person taken into custody, or if such person is a minor, by his parents, parent or guardian; if such person or his representatives shall fail to select a physician within ten days after the Board's selection, such right shall be lost, and the Board shall select two physicians. If the two physicians after the completion of such examination shall agree that such person is not suffering with leprosy, nor capable of spreading that disease, such person shall be released from custody and furnished by the Board with transportation home; but if the two physicians agree that such person is suffering with leprosy, and capable of spreading that disease, such person shall remain in the custody of the Board, and be confined in such place as is therefor provided by law. In case of disagreement between the two physicians as to whether such person is or is not suffering with leprosy and capable of spreading that disease, they shall, with as little delay as possible, select a third so licensed physician, and the three physicians shall proceed to make a second examination. On the completion of such second examination, the decision of any two of the three physicians that such person is or is not suffering with leprosy and capable of spreading that disease shall determine whether such person shall be released or confined in the manner hereinbefore provided."

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 30th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 123.

AN ACT

MAKING SPECIAL APPROPRIATIONS TO PAY CERTAIN CLAIMS AGAINST THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums of money, amounting to \$7,263.39 are hereby appropriated to be paid out of any moneys in the Treasury of the Territory, to pay certain claims against the Territory of Hawaii.

DEPARTMENT OF PUBLIC LANDS.

| | |
|--|------------|
| Claim of R. Maka for land taken for the widening of Beretania Street, Honolulu | \$2,500.00 |
| Claim of F. R. Lucweiko, damages for non-fulfill- ment by the Government of Agreement of June 15th, 1903, in re land and buildings situated on Beretania and King Street, Moiliili, Honolulu... | 1,500.00 |
| Claim of Manuel Perreira, of Kaiwika, Hilo, Ha- waii | 15.00 |
| Improvements on Lot 40, Map 13, Kaiwika, Sold December 3rd, 1904, Deposited in Treasury, January 21st, 1905. | |
| Claim of Jacinto de Nobrega, of Ahualoa, Hamakua, Hawaii | 75.00 |

| | |
|--|----------|
| Improvements on Lot 7, Map 10, Ahualoa, Sold May 20th, 1905, Deposited in Treasury, July 5th, 1905. | |
| Claim of Peter Silva of Kaiwiki, Hilo, Hawaii. | 10.00 |
| Improvements on Lot 27, Map 13, Kaiwiki, Sold December 3, 1904, Deposited in Treasury January 21st, 1905. | |
| Claim of Manuel Dos Santos of Maulua, Hawaii. | 150.00 |
| Improvements on Lot 49, Map 22, Maulua, Sold February 14, 1906, Deposited in Treasury, March 14th, 1906. | |
| Claim of Kaaihue Pua, of Ahualoa, Hamakua, Ha- waii | 100.00 |
| Improvements on Lot 1, Map 10, Ahualoa, Sold February 14, 1906, Deposited in Treasury, March 14th, 1906. | |
| Claim of Mariano Jose, of Kaohe, Puna, Hawaii. | 120.00 |
| Improvements on Lot 10, Map 14, Kaohe, Sold July 23rd, 1906, Deposited in Treasury, Sept. 7th, 1906. | |
| Claim of Estate of Victorine Jose, of Kaiwiki, Hilo, Hawaii | 40.00 |
| Improvements on Lot 54, Map 13, Kaiwiki, Sold August 22nd, 1906, Deposited in Treasury, September 7th, 1906. | |
| Claim of F. E. Hotchkiss, of upper Maulua, Hilo, Hawaii | 25.00 |
| Improvements on Lot 62, Map 24, upper Mau- lua, Sold October 31st, 1906, Deposited in Treasury, December 7th, 1906. | |
| Claim of D. W. Kahele, of Waipunalei, Hilo, Hawaii | 440.00 |
| Improvements on Lot 5, Map 16, Waipunalei, Sold November 1st, 1906, Deposited in Treasury, December 7th, 1906. | |
| Claim of Annie A. Victor, of Paauilo, Hamakua, Hawaii | 1,300.00 |

| | |
|--|------------|
| Improvements on Lot 19, Map 11, Paauilo, Sold November 7th, 1906, Deposited in Treasury, December 7th, 1906. | |
| Claim of Estate of M. V. Holmes, of Ahualoa, Ha- makua, Hawaii | 950.00 |
| Improvements on Lot 16, Map 10, Ahualoa, Sold November 7th, 1906, Deposited in Treasury, January 7th, 1907. | |
| Claim of Antone S. Costa, for over-payment of \$38.39; Patentee of Lot 41, Public Lands Map 41 | 38.39 |
| <hr/> | |
| Total | \$7,263.39 |

SECTION 2. The Auditor shall not issue warrants in payment of any of the above amounts unless receipts in full are filed therefor, and the same are approved by the head of the Department under which the items are inserted. •

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 1st day of May, A. D. 1907, except as to the following items which I have vetoed and disapprove:

DEPARTMENT OF PUBLIC LANDS.

| | |
|---|------------|
| Claim of R. Maka for land taken for the widening of Beretania Street, Honolulu | \$2,500.00 |
| Claim of F. R. Lucweiko, damages for non-fulfill- ment by the Government of Agreement of June 15th, 1903, in re land and buildings situated on Beretania and King Street, Moiliili, Honolulu . . . | 1,500.00 |

G. R. CARTER,
Governor of the Territory of Hawaii.

We hereby certify that the following item, upon a reconsideration on the Veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of

the elective members of the Senate and House of Representatives of the Territory of Hawaii, this 1st day of May, A. D. 1907.

"Claim of F. R. Lucweiko, damages for nonfulfillment by the Government of Agreement of June 15th, 1903, in re land and buildings situated on Beretania and King Street, Moiliili, Honolulu..\$1,500.00

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

H. L. HOLSTEIN,
Speaker, House of Representatives.

JOHN H. WISE,
Clerk, House of Representatives.

ACT 124.

AN ACT

**TO AMEND CHAPTER 159 OF THE REVISED LAWS OF HAWAII
RELATING TO INSURANCE CORPORATIONS AND COMPANIES.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Chapter 159 of the Revised Laws of Hawaii, relating to insurance corporations and companies, is hereby amended by adding thereto a new section, to be known as "Section 2609A," which shall read as follows:

"Section 2609A. Every person, firm or corporation who in this Territory procures, agrees to procure or assist in procuring

insurance for a person, firm or corporation of this Territory, or for a foreign corporation doing business in this Territory, from any insurance company, corporation or association not licensed to do business within this Territory, shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine not to exceed five hundred dollars for each offense; provided, however, that the Insurance Commissioner may issue a license to any person residing in this Territory, subject to revocation at any time, permitting the person named therein to procure policies of insurance on risks located in this Territory in insurance companies not authorized to transact business in this Territory, and for such license the Insurance Commissioner shall collect for the Territory an annual fee of twenty-five dollars. Said license shall be valid until the fifteenth day of April of each year. .

Before the person named in such license shall procure any insurance in such companies on any such property, he shall in every case execute and file with the Insurance Commissioner an affidavit that he is unable to procure for a specified person, firm or corporation in a majority of the companies authorized to do business in the Territory the amount of insurance necessary to protect said property.

Every person so licensed shall keep a separate account of the business done under said license, open at all times to the inspection of the Insurance Commissioner, and shall file a certified copy thereof forthwith with the Insurance Commissioner, showing the exact amount and character of such insurance placed for any person, firm or corporation, the gross premiums charged thereon, the companies in which the same is placed, the dates of the policies and the terms thereof, the location of the insured property and also a report in the same detail of all such policies cancelled and the gross return thereon.

Before receiving such license, the person licensed shall execute and deliver to the Insurance Commissioner a bond in the

penal sum of Two Thousand Dollars, with such sureties as the Commissioner shall approve, conditioned that the licensee will faithfully comply with all the requirements of this section, and will file with the Insurance Commissioner on or before June first of each year, a sworn statement of the gross premiums charged for insurance procured or placed, and the gross return premiums on such insurance cancelled under such license during the year ending on the thirty-first day of December last preceding, and will pay to the Insurance Commissioner of the Territory of Hawaii, for the use and benefit of said Territory, an amount equal to four per cent. of such gross premiums, less such return premiums so reported, and in default of the payment of any sum imposed by this section, the said Insurance Commissioner may sue for same in any court of record in this Territory.

Any person, firm, company or corporation for whom such insurance as herein specified shall have been effected, whenever required by the Insurance Commissioner so to do, shall produce for examination by him the policy or policies issued for such insurance, and disclose to him the true amount of the gross premiums agreed to be paid therefor, and upon refusal so to do shall forfeit to the Territory of Hawaii for each such refusal the sum of Two Hundred Dollars, to be recovered in a civil action. All policies and insurance contracts issued without full compliance, by all parties concerned, with the requirements of this Act, and of the general insurance laws of the Territory, are null and void."

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 1st day of May, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 125.**AN ACT****RELATING TO POUNDS.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Establishment, notice. It shall be the duty of the Board of Supervisors of each county to cause to be constructed and set apart a suitable inclosure or inclosures in each district of the county for the impounding of estrays, and to give notice of all pounds established, or of any change of location of pounds now in existence in any newspaper published in the county in the English and Hawaiian languages.

SECTION 2. Pound Masters, appointment, removal. The Board of Supervisors shall appoint suitable persons to have charge of said pounds and such pound master shall be governed by such rules as the law may prescribe. The Board of Supervisors may at any time remove any such pound master for failure or neglect to properly perform the duties of his office, publishing the reasons for such removal if requested to do so by the person so removed. Upon the petition of twenty-five or more tax payers of any district, making charges against any pound master, and asking for his removal, the said Board of Supervisors shall cause such charges to be investigated; and if, upon investigation, it shall appear that such pound master shall have failed or neglected to properly perform the duties of a pound master, the Board of Supervisors shall remove him.

SECTION 3. Accounts, reports. Every pound master shall keep an accurate account of the business done at his pound, in a book open to public inspection, which book shall be provided by the Board of Supervisors, and he shall make monthly returns, under oath, to the Board of Supervisors showing his receipts and disbursements.

SECTION 4. Duties, compensation. The pound master shall be responsible for the safekeeping and proper care of any estray committed to his charge, and shall receive for his services fifty cents for every day that such estray is impounded from the owner of such estray, excepting for sheep and goats, for which he shall receive five cents per head per day. He shall give the estrays a sufficient quantity of food and water, and any pound master who shall abuse or neglect any estrays in his charge, shall forfeit the pound fees to which he would otherwise have been entitled, and shall also be liable to the owner thereof for damages. The Board of Supervisors may, however, give such pound master such salary as may be deemed sufficient to be paid out of the county funds, in which case, all fees collected under the provisions of this Section after payment of necessary expenses of detention, shall be accounted for and be deposited with the County Treasurer as a county realization.

SECTION 5. Application for impounding. No pound master shall receive estrays until the person wishing to impound the same shall have signed his name to a statement setting forth the number and species of estrays, locality trespassed upon, name of owner or owners of such estrays, if known, together with the date on which they were taken and the amount of damages and expenses claimed. Blanks for such statements shall be printed and bound in book form and furnished to the pound masters at cost price by the Board of Supervisors and shall be open to the inspection of the public.

SECTION 6. Animals from other districts. No pound master shall receive into his pound any animal seized for trespass in any other district, provided there is a pound established in such other district.

SECTION 7. Estrays. If any horse, mule, ass, hog, sheep, goat or neat cattle shall be found at large, and not upon the land of the owner, or person having charge of such animal; or if found doing damage to the property of private individuals,

or of the government, such animal shall be regarded as an estray within the meaning of this Act.

POUND SALES.

SECTION 8. Notice, public auction. It shall be the duty of every pound master to post written or printed notices at the post office, (if there be one in the district), and at not less than two other public places in his district, in the English and Hawaiian languages, and to publish a notice in any newspaper which may be issued in his district, in said languages as soon as possible after the impounding of an estray giving a full description of the same together with an announcement of the day on which it will be sold at public auction if unclaimed, for which notices he shall receive one dollar and fifty cents to be charged pro rata according to the number of animals advertised therein. And the pound master shall also forthwith, upon the impounding of any animal, notify in writing every person who shall have left with him a copy of his brand or mark of any estray bearing the same brand or mark, which shall be committed to his pound, for each which notice he shall receive twenty-five cents, and if the owner does not claim such estray and pay the pound fees, together with the charges for advertising and notifying and the damages claimed for trespass and expense of driving, within twelve days from the date of impounding or at any time before sale, the pound master shall sell such estray at public auction to the highest bidder at noon on the first Saturday ensuing after the expiration of the twelve days aforesaid.

SECTION 9. Disposition of proceeds. The proceeds of such sale, or a receipt therefor, given by the owner of such estray or estrays, after paying the pound fees, expenses of advertisement, damages and expenses of driving, shall be remitted by the pound master to the Treasurer of the County, when he makes his return for the month, to be held as a special deposit subject to the order of the Board of Supervisors hereinafter

mentioned. In case the owner of the estray shall substantiate his claim thereto within one year, the Board of Supervisors shall order the said balance of proceeds to be paid over to him. If such claims be not substantiated the said Board of Supervisors shall order the same to be transferred and become a county realization.

FENCES.

SECTION 10. Lawful fence. Every fence shall be deemed a lawful fence which shall be made of stone, posts and rails, posts and boards, posts and iron wire, or other suitable materials, provided it be not less than four and a half feet in height, substantially built, strong and close, to turn all stock excepting swine, and in good repair. The sea, rivers, ponds and natural perpendicular bluffs, whenever impassable, shall be legal fences.

SECTION 11. Breaking, etc., penalty. If any person shall maliciously and designedly open a gateway, or break a fence, so as to allow any animal ingress or egress, so that it may commit a trespass, or shall maliciously and designedly drive or lead any animal into another locality where it may commit a trespass, he shall, for every such offense, be subject to a fine of not more than one hundred dollars, or shall be imprisoned at hard labor not more than one year.

DAMAGES FOR TRESPASSES BY ANIMALS.

SECTION 12. On fenced cultivated land. If any cattle, horse, mule, ass, swine, sheep or goat, shall trespass on any properly fenced cultivated ground, the owner thereof shall pay to the owner of such land the full amount of damage or loss occasioned by such estray to such land owner, and the sum of fifty cents for each animal trespassing, excepting for sheep and goats, for which he shall pay ten cents each; provided, however, that if in any particular case this provision shall have an onerous or unjust bearing, owing to the large num-

ber of animals trespassing, the court shall have power to diminish the forfeiture.

SECTION 13. On unfenced cultivated land. If any of the animals mentioned in Section 12 trespass upon any unfenced, cultivated ground, the owner thereof shall pay to the owner of such land the sum of twenty-five cents for each animal trespassing, excepting for sheep and goats, for which he shall pay ten cents each. The owner of such land shall not be entitled to claim any damages for such trespass other than said sum of twenty-five cents; provided, however, that, if in any particular case this provision shall have an onerous or unjust bearing, owing to the large number of animals trespassing, the court shall have power to diminish the forfeiture.

SECTION 14. On uncultivated land. If any of the animals mentioned in Section 12 shall trespass on any uncultivated land the owner of such animal or animals shall pay to the owner of the land the sum of twenty-five cents for the trespass of each animal, except for sheep and goats, for which he shall pay ten cents each, and if any damage be done by the animal or animals, the owner thereof shall further pay to the land owner the full amount of such damage.

SECTION 15. On public roads, lands. If any animal mentioned in Section 12 shall trespass or stray upon any of the government roads in and around the city of Honolulu, town and district of Hilo, Hawaii, towns of Wailuku and Lahaina, Maui, or upon any government road bounded on both sides by a legal fence, or upon any government land, in this Territory, any police constable or such person or persons as may be thereunto authorized in writing by the Board of Supervisors or road authorities of the county, are hereby authorized to take up such animal and to impound the same in accordance with the provisions of this Act.

The owner or owners of such animals so taken up or impounded shall pay to the said police constable or such person

or persons as may be authorized as aforesaid the sum of not more than twenty-five cents for each animal so trespassing as expenses incurred in taking up, driving and impounding said animal together with all pound fees as provided in this Act. If any damage be done by the animal or animals, the owner or owners thereof shall further pay such amount as may be fixed by the Board of Supervisors. And in case the said charges and pound fees are not paid, the animals impounded shall be sold at public auction as provided by Section 8.

SECTION 16. Swine, goats, to be confined. All owners of swine or goats shall keep such animals confined. In case swine or goats shall trespass upon any land, the owner, if known, shall be notified by the owner or occupier of the land trespassed upon, and if he shall not remove the swine or goats (as the case may be) within twenty-four hours, or if any swine or goats belonging to such owner shall again trespass upon the land of such land owner or occupier, such swine or goats (as the case may be), as well as all swine or goats trespassing, the owner of which is unknown, may be killed, and the land owner or occupier shall not be liable for damages for such killing.

SECTION 17. Stallions. Every person on whose land any stallion of twelve months old or upwards shall be found trespassing, may, without any notice, cause such stallion to be impounded, and the owner shall pay to the person upon whose land such trespass be committed ten dollars for every such trespass, to be collected by the pound keeper as provided by this Act.

SECTION 18. Expenses, driving, etc. In all cases where animals are taken up for trespass, the actual expenses incurred or, a fair allowance for the labor required in catching, driving and conveying such animals to the pound, and of giving notice to the owner of the same shall be added to the forfeits and damages specified in the preceding Sections; providing, however, that the charge for such catching or driving and con-

veying to the pound shall not exceed fifty cents (\$.50) per head.

PROCEDURE TO RECOVER ANIMALS.

SECTION 19. Owner notified before impounding. Where any animal or animals are taken up for trespass, the owner, if known, shall be immediately notified, if reasonably practicable, of such fact, and of the amount of damage and trespass fees claimed, and if he shall refuse or fail to pay the legal charges, or in case the owner be unknown, then the animal or animals shall be impounded forthwith.

SECTION 20. Procedure if owner believes impounding illegal. If the owner of any animal or animals taken up for trespass, has reason to believe that the taking up or impounding of the same was illegal, or if he regards the claim for damages or expenses as excessive, he may have his animals returned to him upon his delivering to the land owner or to the pound keeper, if the animal or animals have been impounded, a certificate from any district magistrate of the district, stating that he has deposited with such magistrate the amount claimed by the land owner, together with the pound fees, if any, or a good and sufficient bond for the same and the costs of a suit before him.

SECTION 21. Jurisdiction; appeal. The said magistrate shall upon receiving the amount claimed, including pound fees, if any, or a good and sufficient bond for such amount, and the costs of suit, issue the required certificate, and at the same time summon the parties to appear before him with their witnesses, and after a fair hearing he shall decide between them. No appeal shall be allowed from his decision unless taken and perfected within five days after such decision has been rendered, and in case an appeal is taken, he shall require from the appellant a bond in the sum of fifty dollars conditioned for the payment of the costs further to accrue or fifty dollars in lieu of such bond, in case the judgment is confirmed, which bond, together with the amount claimed or the bond given in lieu of

such amount, he shall send up to the appellate court together with the certificate of appeal. If it shall appear on trial that the impounding was illegal, the land owner shall be compelled to pay the pound fees.

SECTION 22. All laws or parts of laws inconsistent with the provisions of this act, are hereby repealed.

SECTION 23. This Act shall take effect from and after the date of its approval.

We hereby certify that the foregoing Bill, after reconsideration on the Veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 30th day of April, A. D. 1907.

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

We hereby certify that the foregoing Bill, after reconsideration on the Veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 1st day of May, A. D. 1907.

H. L. HOLSTEIN,
Speaker, House of Representatives.

JOHN H. WISE,
Clerk, House of Representatives.

ACT 126.**AN ACT****PROVIDING FOR SALARIES AND PAY OF EMPLOYEES OF THE
TERRITORY.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums, amounting to One Million, Seven Hundred and Twenty-five Thousand, One Hundred and Eighty Dollars (\$1,725,180.00), are hereby appropriated to be paid out of all the moneys in the Treasury of the Territory received from all current receipts of the general revenues for the payment of salaries of officers and the pay of employees for the period commencing with the First day of July, 1907, and ending with the Thirtieth day of June, 1909.

EXECUTIVE DEPARTMENT.**GOVERNOR OF HAWAII.***Secretary of Hawaii.*

| | | | |
|--|----|----------|--------------|
| Salary of Chief Clerk (\$150.00) .. | \$ | 3,600.00 | |
| Salary of First Assistant Clerk, (\$125.00) | | 3,000.00 | |
| Pay of Additional Clerks | | 3,600.00 | |
| Pay of Messengers (\$50.00) | | 1,200.00 | |
| Salary of Librarian of Public Arch- ives (\$150.00) | | 3,600.00 | |
| Salary of Commissioner of Immigra- tion (\$25.00) | | 600.00 | \$ 15,600.00 |
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National Guard.

| | | |
|---|----------|----------|
| Pay of Clerk and Assistant (\$75.00) | 1,800.00 | |
| Pay of Janitor and Armorer (\$40.00) | 960.00 | 2,760.00 |
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TREASURY DEPARTMENT.

TREASURER.

| | | |
|--|----------|-----------|
| Salary of Treasurer (\$275.00)... | 6,600.00 | |
| Salary of Registrar of Public Accounts (\$225.00) | 5,400.00 | |
| Salary of Book-keeper and Deputy Insurance Commissioner (\$175.00) | 4,200.00 | |
| Salary of License Clerk (\$140.00) | 3,360.00 | |
| Salary of Corporation Clerk (\$90.00) | 2,160.00 | |
| Salary of Recording Clerk and Messenger (\$82.50) | 1,980.00 | |
| Salary of Stenographer (\$82.50).. | 1,980.00 | 25,680.00 |
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BUREAU OF TAXES.

First Taxation Division, Oahu.

| | | |
|--|-----------|-----------|
| Salary of Tax Assessor, Oahu, (\$225.00) | 5,400.00 | |
| Salary of Deputy Assessor, Oahu, (\$175.00) | 4,200.00 | |
| Salaries and Commissions of Deputy Tax Assessors and Collectors, Clerks and Interpreters, Oahu.. | 46,400.00 | 56,000.00 |
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Second Taxation Division, Maui, Etc.

| | | |
|--|-----------|-----------|
| Salary of Tax Assessor, Maui, etc., (\$200.00) | 4,800.00 | |
| Salaries and Commissions of Deputy Tax Assessors and Collectors and Clerks, Maui, etc. | 18,000.00 | 22,800.00 |

Third Taxation Division, Hawaii.

| | | |
|--|-----------|-----------|
| Salary of Tax Assessor, Hawaii, (\$200.00) | 4,800.00 | |
| Salaries and Commissions of Deputy Tax Assessors and Collectors and Clerks, Hawaii | 25,000.00 | 29,800.00 |

Fourth Taxation Division, Kauai and Niihau.

| | | |
|--|-----------|-----------|
| Salary Tax Assessor, Kauai and Niihau, (\$175.00) | 4,200.00 | |
| Salaries and Commissions of Deputy Tax Assessors and Collectors and Clerks, Kauai and Niihau | 14,000.00 | 18,200.00 |

BUREAU OF CONVEYANCES.

| | | |
|--|----------|-----------|
| Salary of Registrar (\$225.00) | 5,400.00 | |
| Salary of Deputy Registrar (\$150.- 00) | 3,600.00 | |
| Salary of Expert Indexer, (\$100.- 00) | 2,400.00 | |
| Salary of two Clerks, (\$50.00 ea.) | 2,400.00 | |
| Salary of two Clerks, \$90.00 ea.) .. | 4,320.00 | |
| Salary of five Clerks, (\$75.00 ea.) | 9,000.00 | |
| Salary of one Clerk, (\$40.00) | 960.00 | 28,080.00 |

PERMANENT SETTLEMENTS.

| | | |
|--|-----------|-----------|
| Queen Liliuokalani (\$625.00) . . . | 15,000.00 | |
| Mrs. Emma Barnard (\$16.66 2-3) | 400.00 | |
| Mrs. Kamakani Simeona (\$16.- 66 2-3) | 400.00 | |
| Mrs. Paahao (\$16.66 2-3) | 400.00 | |
| Mrs. Mary Stolz (\$16.66 2-3) | 400.00 | |
| Mrs. Mahelona (\$16.66 2-3) | 400.00 | 17,000.00 |

DEPARTMENT OF PUBLIC WORKS.

Superintendent.

| | | |
|---|-----------|-----------|
| Salary of Superintendent (\$275.00) | 6,600.00 | |
| Salary of Chief Clerk and Clerk of Market (\$200.00) | 4,800.00 | |
| Salary of First Assistant Clerk (\$125.00) | 3,000.00 | |
| Salary of Second Assistant Clerk (\$90.00) | 2,160.00 | |
| Salary of Stenographer (\$125.00). | 3,000.00 | |
| Salary of Superintendent Water Works and Sewers (\$175.00)... | 4,200.00 | |
| Pay of Engineers, Architects and Draftsmen | 8,400.00 | |
| Salary of Deputy and Clerk, Sewer Department (\$75.00) | 1,800.00 | |
| Pay of Sewer Foreman and three Assistants | 5,160.00 | |
| Pay of Sewer Engineers and Fire- men | 12,120.00 | 51,240.00 |

Wharf Bureau.

| | | |
|--------------------------------------|----------|----------|
| Salary of Foreman (\$125.00) | 3,000.00 | |
| Pay of Wharf Sweepers | 2,880.00 | 5,880.00 |

Government Shops.

| | | |
|-------------------------------------|----------|----------|
| Salary of Mechanic (\$100.00).... | 2,400.00 | |
| Salary of Head Carpenter (\$100.00) | 2,400.00 | 4,800.00 |

Public Grounds.

| | | |
|--|----------|--|
| Pay Rolls, Government Building.. | 5,760.00 | |
| Pay of three Guards, \$60.00 (\$180.00) | 4,320.00 | |

| | | |
|---|----------|-----------|
| Pay of Keeper of Mausoleum (\$50.00) | 1,200.00 | |
| Pay of Caretaker, Government Building | 1,800.00 | |
| Pay of Assistant Janitors | 1,440.00 | 14,520.00 |

Water Works Bureau.

| | |
|---|-----------|
| Salary of Chief Engineer (\$150.00) | 3,600.00 |
| Salary of Clerk (\$125.00) | 3,000.00 |
| Salary of Assistant Clerk (\$90.00) | 2,160.00 |
| Pay of Reservoir Keepers | 3,240.00 |
| Pay of Tappers and Assistants | 5,280.00 |
| Pay of Shipping Tender and Assistant | 2,880.00 |
| Salary of Foreman Water Pipes | 2,400.00 |
| Salary of Chief Inspector and Assistants | 5,760.00 |
| Pay of Pump Engineers, Fireman and Oilers | 30,240.00 |
| Salary of Superintendent Wailuku Water Works (\$100.00) | 2,400.00 |
| Salary of Superintendent Hilo Water Works and Sewers (\$125.00) | 3,000.00 |
| Salary of Clerk to Superintendent Hilo Water Works and Sewers (\$40.00) | 960.00 |
| Salary of Superintendent Laupahoe Water Works (\$5.00) | 120.00 |
| Salary of Superintendent Waimea, Hawaii, Water Works (\$5.00) | 120.00 |
| Salary of Superintendent Lahaina Water Works (\$85.00) | 2,040.00 |
| Salary of Superintendent Koloa Water Works (\$5.00) | 120.00 |
| Salary of Superintendent Waimea | |

| | | |
|---|-----------|------------|
| Water Works (\$40.00) | 960.00 | |
| Pay Stable Boy and Night Watchman | 2,160.00 | |
| Salary of Harbor Master (\$240.00) | 5,760.00 | |
| Salary of Assistant Harbor Master (\$150.00) | 3,600.00 | |
| Salary of Keeper Gunpowder and Kerosene Warehouse (\$125.00).. | 3,000.00 | |
| Salary of three Pilots, Honolulu (\$200.00 ea.) | 14,400.00 | |
| Salary, Pilot, Gunpowder and Kerosene Oil Keeper, Hilo (\$160.00) | 3,840.00 | |
| Salary, Pilot, Gunpowder and Kerosene Oil Keeper, Kahului, (\$160.00) | 3,840.00 | |
| Salary of Watchman, Diamond Head (\$75.00) | 1,800.00 | |
| Salary Eight Pilot Boys, Honolulu | 8,640.00 | |
| Salary Pilot Boys, Kahului | 2,880.00 | |
| Salary Pilot Boy, Hilo (\$35.00)... | 840.00 | |
| Salary Pilots' Watchman, Honolulu | 1,200.00 | 120,240.00 |

BOARD OF AGRICULTURE AND FORESTRY.

| | |
|---|-----------|
| Salary of Superintendent of Forestry (\$250.00) | 6,000.00 |
| Pay of Assistants, Laborers, etc., Division of Forestry | 9,240.00 |
| Salary of Superintendent of Entomology (\$250.00) | 6,000.00 |
| Pay, Assistants, Inspectors and Employees, Division of Entomology | 11,280.00 |
| Salary of Stenographer (\$100.00) | 2,400.00 |
| Pay Employees and Laborers, Board of Agriculture | 2,160.00 |

| | | |
|---|----------|-----------|
| Salary of Superintendent of Animal Industry (\$250.00) | 6,000.00 | |
| Salary of Assistants of Superintendent of Animal Industry | 6,760.00 | 49,840.00 |
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COMMISSION OF PUBLIC LANDS.

| | | |
|--|----------|-----------|
| Salary of Commissioner (\$275.00) | 6,600.00 | |
| Salary of Secretary, Sub-Agent and Chief Clerk, Fifth Land District (\$200.00) | 4,800.00 | |
| Salary of First Assistant Clerk (\$100.00) | 2,400.00 | |
| Salary of Second Assistant Clerk, (\$85.00) | 2,040.00 | |
| Salary of Third Assistant Clerk, (\$75.00) | 1,800.00 | |
| Pay of Sub-Agents and Rangers... | 9,000.00 | 26,640.00 |
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SURVEY DEPARTMENT.

| | | |
|---|----------|-----------|
| Salary of Surveyor (\$250.00).... | 6,000.00 | |
| Salary of First Assistant Surveyor (\$200.00) | 4,800.00 | |
| Salary of Second Assistant Surveyor (\$185.00) | 4,440.00 | |
| Salary of Messenger and Sub-Assistant (\$60.00) | 1,440.00 | 16,680.00 |
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JUDICIARY DEPARTMENT.

| | | |
|--|----------|--|
| Salary of Clerk of Judiciary Department (\$225.00) | 5,400.00 | |
| Salary of Stenographer (\$125.00) | 3,000.00 | |
| Salary of Assistant Clerk (\$75.00). | 1,800.00 | |

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|--------------------------------------|----------|-----------|
| Pay of Janitors (\$45.00) | 1,080.00 | |
| Pay of Interpreters, District Courts | 2,500.00 | 13,780.00 |
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SUPREME COURT.

| | | |
|---|----------|-----------|
| Salary of 1st Deputy Clerk, (\$150.00) | 3,600.00 | |
| Salary of 2nd Deputy Clerk, (\$150.00) | 3,600.00 | |
| Salary of Stenographer (\$125.00) . . . | 3,000.00 | |
| Salary of Bailiff, Librarian and Mes- senger (\$75.00) | 1,800.00 | |
| Salary of Night Librarian, Supreme Court Library (\$40.00) | 960.00 | 12,960.00 |
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First Circuit.

| | | |
|---|-----------|--|
| Salary of 3rd Deputy Clerk (\$125.00) | 3,000.00 | |
| Salary of 4th Deputy Clerk, (\$125.00) | 3,000.00 | |
| Salary of 5th Deputy Clerk, (\$125.00) | 3,000.00 | |
| Salary of three Court Stenograph- ers, 1 appointed by each Judge, 3 at \$175., (\$525.00) | 12,600.00 | |
| Salary of two Hawaiian Interpre- ters (\$250.00) | 6,000.00 | |
| Salary of Japanese Interpreter, (\$100.00) | 2,400.00 | |
| Salary of Chinese Interpreter (\$100.00) | 2,400.00 | |
| Salary of Portuguese Interpreter for Circuit and District Courts (\$100.00) | 2,400.00 | |

| | | |
|--|----------|-----------|
| Salary of three Bailiffs to act as Assistant Clerks; 1 appointed by each Judge at \$100., (\$300.00). | 7,200.00 | |
| Salary of District Magistrate, Honolulu (\$200.00) | 4,800.00 | |
| Salary of 2nd District Magistrate, Honolulu, to be expended according to Act 57 of the Session Laws of 1907 | 600.00 | |
| Salary of Clerks and Interpreters Honolulu District Court, 1st Clerk at \$110., 2nd Clerk at \$85., Interpreters at \$120., (\$315.00) | 7,560.00 | |
| Salary of District Magistrate, Ewa, (\$100.00) | 2,400.00 | |
| Salary of District Magistrate, Waianae (\$40.00) | 960.00 | |
| Salary of District Magistrate, Wai- alua (\$75.00) | 1,800.00 | |
| Salary of District Magistrate, Koo- laulua (\$50.00) | 1,200.00 | |
| Salary of District Magistrate, Koo- laupoko (\$50.00) | 1,200.00 | 62,520.00 |

Second Circuit.

| | |
|--|----------|
| Salary of Deputy Clerk (\$125.00) | 3,000.00 |
| Salary of Stenographer and Assistant Clerk (\$75.00) | 1,800.00 |
| Salary of District Magistrate, Lahaina (\$90.00) | 2,160.00 |
| Salary of District Magistrate, Wailuku (\$100.00) | 2,400.00 |
| Salary of Second District Magistrate, Makawao, at Honuaula (\$25.00) | 600.00 |

| | | |
|--|----------|-----------|
| Salary of District Magistrate, Makawao (\$85.00) | 2,040.00 | |
| Salary of District Magistrate, Hana (\$50.00) | 1,200.00 | |
| Salary of District Magistrate, Kipahulu (\$30.00) | 720.00 | |
| Salary of District Magistrate, Molokai (\$40.00) | 960.00 | |
| Salary of District Magistrate, Lanai (\$20.00) | 480.00 | |
| Salary of District Magistrate, Kalaupapa (\$20.00) | 480.00 | 15,840.00 |

Third Circuit.

| | | |
|---|----------|----------|
| Salary of Deputy Clerk (\$90.00) . | 2,160.00 | |
| Salary of District Magistrate, North Kohala (\$50.00) | 1,200.00 | |
| Salary of District Magistrate, South Kohala (\$50.00) | 1,200.00 | |
| Salary of District Magistrate, North Kona (\$60.00) | 1,440.00 | |
| Salary of District Magistrate, South Kona (\$50.00) | 1,200.00 | |
| Salary of District Magistrate, Kau (\$80.00) | 1,920.00 | 9,120.00 |

Fourth Circuit. .

| | | |
|--|----------|--|
| Salary of Deputy Clerk (\$125.00) | 3,000.00 | |
| Salary of Assistant Clerk, Messenger, Interpreter and Bailiff (\$100.00) | 2,400.00 | |
| Salary of Stenographer (\$125.00) | 3,000.00 | |
| Salary of Clerk and Interpreter, Dis- | | |

| | | |
|--|----------|-----------|
| trict Court, South Hilo (\$100.00) | 2,400.00 | |
| Salary of District Magistrate, South Hilo (\$135.00) | 3,240.00 | |
| Salary of District Magistrate, North Hilo (\$60.00) | 1,440.00 | |
| Salary of District Magistrate, Hamakua (\$80.00) | 1,920.00 | |
| Salary of District Magistrate, Puna (\$45.00) | 1,080.00 | 18,480.00 |
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Fifth Circuit.

| | | |
|---|----------|-----------|
| Salary of Deputy Clerk (\$100.00) | 2,400.00 | |
| Salary of District Magistrate, Lihue (\$80.00) | 1,920.00 | |
| Salary of District Magistrate, Koloa (\$70.00) | 1,680.00 | |
| Salary of District Magistrate, Waimea (\$80.00) | 1,920.00 | |
| Salary of District Magistrate, Kawaihau (\$55.00) | 1,320.00 | |
| Salary of District Magistrate, Hanalei (\$50.00) | 1,200.00 | 10,440.00 |
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LAND REGISTRATION COURT.

| | | |
|--|----------|----------|
| Salary of Judge (\$150.00) | 3,600.00 | |
| Salary of Registrar (\$100.00) | 2,400.00 | 6,000.00 |
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DEPARTMENT OF ATTORNEY GENERAL.

Attorney General.

| | | |
|--|----------|--|
| Salary of Attorney General, (\$300.00) | 7,200.00 | |
| Salary of First Deputy (\$250.00). | 6,000.00 | |

| | | |
|---|----------|-----------|
| Salary of Second Deputy (\$200.00) | 4,800.00 | |
| Pay of Court Officer (\$150.00)... | 3,600.00 | |
| Pay of Clerk to Attorney General, (\$150.00) | 3,600.00 | |
| Salary of Stenographer (\$110.00). | 2,640.00 | |
| Salary of Assistant Stenographer, (\$75.00) | 1,800.00 | |
| Pay of Messenger (\$50.00) | 1,200.00 | 30,840.00 |
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HIGH SHERIFF'S OFFICE.

| | | |
|--|----------|----------|
| Salary of High Sheriff and Warden Oahu Prison and Honolulu Jail (\$225.00) | 5,400.00 | |
| Salary of Deputy High Sheriff and Clerk to High Sheriff (\$125.00) | 3,000.00 | 8,400.00 |
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JAILORS AND GUARDS.

| | | |
|--|-------------|-----------|
| Salary of Deputy Jailor, Oahu Prison (\$125.00) | 3,000.00 | |
| Salary of Deputy Jailor, Honolulu Jail (\$125.00) | 3,000.00 | |
| Pay of Jailors and Guards of Prisoners: | | |
| Oahu | \$39,840.00 | |
| Hawaii | 12,720.00 | |
| Maui | 9,960.00 | |
| Kauai | 5,760.00 | 68,280.00 |
| | <hr/> | |
| Pay of Lunas | 10,000.00 | 84,280.00 |
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DEPARTMENT OF PUBLIC INSTRUCTION.

Superintendent.

| | | |
|--|-----------|--|
| Salary of Superintendent (\$275.00) | 6,600.00 | |
| Salary of three Normal Inspectors, including Traveling Expenses, at \$200: each (\$600.00) | 14,400.00 | |
| Salary of Secretary (\$125.00)... | 3,000.00 | |
| Salary of Stenographer and Book Clerk (\$75.00) | 1,800.00 | |
| Salary of Assistant Clerk and School Agent (\$125.00) | 3,000.00 | |

Schools.

| | | |
|---|------------|------------|
| Pay Roll, Salaries of Teachers | 706,000.00 | |
| Salaries of School Agents | 5,000.00 | |
| Salary Superintendent Boys' Indus- trial School (\$135.00) | 3,240.00 | |
| Salary, Matron Girls' Industrial School (\$100.00) | 2,400.00 | |
| Pay of Guards, Boys' Industrial School | 2,400.00 | |
| Pay of Guards, Girls' Industrial School | 1,500.00 | 749,340.00 |

BOARD OF HEALTH.

President.

| | | |
|---|----------|--|
| Salary of President (\$275.00) | 6,600.00 | |
| Salary of Secretary (\$175.00) | 4,200.00 | |
| Salary of Registrar General (\$150,- 00) | 3,600.00 | |
| General Health and Sanitary Offi- cer (\$150.00) | 3,600.00 | |

| | | |
|--|----------|-----------|
| Salary of Clerk (\$100.00) | 2,400.00 | |
| Salary of Clerk (\$80.00) | 1,920.00 | |
| Salary of Stenographer (\$80.00) .. | 1,920.00 | |
| Salary of Janitor and Messenger (\$50.00) | 1,200.00 | 25,440.00 |
| | <hr/> | |

Sanitation.

| | | |
|--|-----------|-----------|
| Chief Sanitary Officer and Inspect- or of Cemeteries (\$150.00) | 3,600.00 | |
| Salary of Inspectors, seven at \$82.50 per month each | 13,860.00 | |
| Salary of Chief Sanitary Inspector and Inspector of Buildings, Plum- bing and House Sewers, and In- spector of Dairies and Milk, Fish and Food, District of Puna, Hilo and Hamakua (\$150.00) | 3,600.00 | |
| Salary of Assistant Sanitary In- spector, Hilo (\$50.00) | 1,200.00 | |
| Salary of Inspector of Buildings, Plumbing and House Sewers, Ho- nolulu (\$160.00) | 3,840.00 | 26,100.00 |
| | <hr/> | |

Food Commissioner's Department.

| | | |
|---|----------|----------|
| Salary of Milk and Dairy Inspector (\$75.00) | 1,800.00 | |
| Salary of Meat Inspector (\$150.00) | 3,600.00 | |
| Salary of Food Commissioner and Analyst (\$175.00) | 4,200.00 | 3,600.00 |
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Quarantine Service.

| | | |
|--|----------|--|
| Salary of Bacteriologist and Pathol- ogist to be paid only to a duly qualified Bacteriologist Specialist (\$175.00) | 4,200.00 | |
|--|----------|--|

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|---|----------|----------|
| Salary of Morgue Attendant and Driver (\$75.00) | 1,800.00 | |
| Health Officer and Government Phy- sician, Hilo (\$125.00) | 3,000.00 | 9,000.00 |
| | <hr/> | |

Care of Lepers.

| | | |
|---|-----------|-----------|
| Segregation and care of Lepers, Pay Roll | 42,000.00 | |
| Salaries, Sheriff and Police, County of Kalawao (\$120.00) | 2,880.00 | |
| Kapiolani Girls' Home, Pay Roll.. | 3,840.00 | 48,720.00 |
| | <hr/> | |

Insane Asylum.

| | | |
|---|-----------|-----------|
| Insane Asylum and Infirmary Pay Roll: | | |
| 12 Guards and 1 Taro Man, \$50. | 15,600.00 | |
| 4 Nurses, \$40. | 3,840.00 | |
| Sundry Pay Roll | 12,120.00 | 31,560.00 |
| | <hr/> | |
| Pay of Government Physicians un- der Control of the Board of Health | 26,000.00 | 57,560.00 |
| | <hr/> | |

AUDITING DEPARTMENT.

| | | |
|--|----------|----------------|
| Salary of Auditor (\$275.00) | 6,600.00 | |
| Salary of Deputy Auditor (\$200.- 00) | 4,800.00 | |
| Clerical Assistance | 9,600.00 | 21,000.00 |
| | <hr/> | |
| Total | | \$1,725,180.00 |

SECTION 2. The Auditor shall not draw a warrant in payment of any of the objects named in this Act, except as herein provided, and the unauthorized expenditure of any money from the Treasury to be hereafter accounted for to the Legislature by indemnity bill is hereby expressly prohibited.

SECTION 3. No officer or other employee of the Territory holding more than one office or employment shall be authorized to draw more than the salary of the highest grade of the office or employment held by him, provided the aggregate salaries to any one person shall not exceed one hundred dollars per month; and he shall be entitled to no other or further compensation.

SECTION 4. It shall be lawful for the Treasurer to continue to make payments in accordance with the appropriations authorized by this Act, until the Thirtieth Day of June, 1909; provided that the Auditor shall not draw a warrant for any sum on account of any bill for salaries or pay rolls in this Act in excess of the due proportion of the amount appropriated for such item for the time elapsed.

SECTION 5. This Act shall take effect on the First day of July, 1907.

Approved this First day of May, A. D. 1907, except as to the following items, which I have vetoed and disapprove:

JUDICIARY DEPARTMENT.

Supreme Court.

| | | |
|---|----|--------|
| "Salary of Night Librarian, Supreme Court Library (\$40.00) | \$ | 960.00 |
|---|----|--------|

First Circuit.

| | | |
|--|--|----------|
| "Salary of Portuguese Interpreter for Circuit and District Courts (\$100.00) | | 2,400.00 |
|--|--|----------|

BOARD OF HEALTH.

President.

"General Health and Sanitary Officer (\$150.00).. 3,600.00

Quarantine Service.

"Health Officer and Government Physician, Hilo
(\$125.00) 3,000.00

"Pay of Government Physicians under Control of
the Board of Health 26,000.00

G. R. CARTER,
Governor of the Territory of Hawaii.

We hereby certify that the following items, after reconsideration on the Veto of the Governor, were, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the Senate and House of Representatives of the Territory of Hawaii.

Quarantine Service.

Pay of Government Physicians under control of
Board of Health \$ 26,000.00

JUDICIARY DEPARTMENT.

Supreme Court.

"Salary of Night Librarian Supreme Court Library (\$40.00) \$ 960.00"

First Circuit.

Salary of Portuguese Interpreter for Circuit and
 District Courts (\$100.00) \$ 2,400.00

BOARD OF HEALTH.

President.

General Health and Sanitary Officer (\$150.00)..\$ 3,600.00

E. F. BISHOP,
 President of the Senate.

WILLIAM SAVIDGE,
 Clerk of the Senate.

H. L. HOLSTEIN,
 Speaker, House of Representatives.

JOHN H. WISE,
 Clerk, House of Representatives.

ACT 127.

AN ACT

MAKING APPROPRIATIONS FOR THE DEPARTMENTAL USE OF
 THE TERRITORY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums, amounting to One Million, Six Hundred and Thirty-six Thousand, Two Hundred and Forty-five Dollars (\$1,636,245.00) are hereby appropriated to be paid out of all moneys in the Treasury of the Territory, received from all current receipts of the general revenues,

for the current expenses of the Departments, for the period commencing with the First day of July, 1907, and ending with the Thirtieth day of June, 1909.

EXECUTIVE DEPARTMENT.

GOVERNOR OF HAWAII.

Secretary of Hawaii.

| | | |
|--|-------------|-----------|
| Incidentals | \$ 6,000.00 | |
| Expenses of election, including transportation to Niihau, Molokai, Kahoolawe and Lanai | 13,000.00 | |
| Printing, Binding, Indexing and Advertising | 5,000.00 | |
| Archives, Incidentals, Translating, Printing and Binding | 5,000.00 | 29,000.00 |
| | | <hr/> |

Promotion.

| | |
|----------------------|----------|
| Support of | 6,000.00 |
|----------------------|----------|

Public Library.

| | |
|---|-----------|
| Support of Circulating Public Library | 10,000.00 |
|---|-----------|

National Guard.

| | |
|-----------------------|----------|
| Expenses of | 7,240.00 |
|-----------------------|----------|

TREASURY DEPARTMENT.

Treasurer.

| | |
|---|----------|
| Incidentals, Treasurer's Office | 5,000.00 |
| Incidentals under Insurance Law . . . | 2,000.00 |
| Printing Tax Books and Blanks | 2,400.00 |

| | | |
|--|------------|------------|
| Interest on Public Debt, Commission and Expenses | 314,000.00 | |
| Expenses, Bonding Public Officials | 5,000.00 | |
| Expenses under Liquor Law of 1907 | 18,000.00 | 346,400.00 |

BUREAU OF TAXES.

| | | |
|---|----------|-----------|
| Incidentals, Tax Offices, First Division | 8,000.00 | |
| Incidentals, Tax Offices, Second Division | 2,000.00 | |
| Incidentals, Tax Offices, Third Division | 3,000.00 | |
| Incidentals, Tax Offices, Fourth Division | 1,600.00 | |
| — Expenses Tax Commission | 1,750.00 | 16,350.00 |

BUREAU OF CONVEYANCES.

| | | |
|------------------------------------|----------|----------|
| Incidentals, Conveyances | 3,000.00 | |
| Repairs of Records | 500.00 | 3,500.00 |

DEPARTMENT OF PUBLIC WORKS.

Superintendent.

| | | |
|---|-----------|-----------|
| General Expense | 9,500.00 | |
| Maintenance and Repairs and Additions to Government Property: | | |
| Oahu | 20,000.00 | |
| Hawaii | 9,000.00 | |
| Maui | 6,500.00 | |
| Kauai | 6,500.00 | 42,000.00 |

| | |
|---|-----------|
| Repairs, Rehabilitation and Equip- ment Aliiolani Hale (Judiciary Building) | 50,000.00 |
|---|-----------|

Landings and Wharves:

| | | |
|------------------|-----------|-----------|
| Oahu | 24,000.00 | |
| Hawaii | 20,000.00 | |
| Maui | 5,000.00 | |
| Kauai | 5,000.00 | 54,000.00 |

| | | |
|--|-----------|------------|
| Repairs to Landing and Derrick, Pelekunu | 300.00 | |
| Expenses Pilots, Honolulu | 600.00 | |
| Expenses Pilot, Hilo | 250.00 | |
| Expenses Pilot, Kahului | 550.00 | |
| Expenses Harbormaster, Honolulu | 200.00 | |
| Rent of Land Kerosene Warehouse. | 600.00 | |
| Running Expenses and Maintenance Sewers, Honolulu | 29,000.00 | |
| Extension Sewers | 12,000.00 | |
| Running Expenses and Maintenance Sewers, Hilo | 2,000.00 | |
| Purchase Flags | 300.00 | |
| Purchase of Boat for Pilot, Hilo... | 750.00 | 202,050.00 |

Water Works Bureau.

| | |
|---|-----------|
| Running Expenses and Maintenance Honolulu | 71,540.00 |
| Running Expenses and Maintenance, Hilo | 3,600.00 |
| Running Expenses and Maintenance and Extension, Wailuku Water Works | 3,600.00 |
| Running Expenses and Maintenance and Extension Lahaina Water | |

| | | |
|---|----------|-----------|
| Works | 3,000.00 | |
| Running Expenses and Maintenance, all others | 3,000.00 | 84,740.00 |

BOARD OF AGRICULTURE AND FORESTRY.

| | |
|---|-----------|
| Incidentals and General Expense, all Divisions | 37,050.00 |
|---|-----------|

COMMISSION OF PUBLIC LANDS.

| | |
|-----------------------------------|----------|
| Incidentals and General Expense.. | 9,600.00 |
|-----------------------------------|----------|

SURVEY DEPARTMENT.

| | |
|--|-----------|
| Expenses of Field Parties and Of- fice Work | 40,000.00 |
|--|-----------|

JUDICIARY DEPARTMENT.

| | |
|--|-----------|
| Expenses of Judiciary Department | 2,000.00 |
| Stationery and Incidentals, all Courts | 2,500.00 |
| Purchase of Law Books, Supreme Court | 4,000.00 |
| Purchase of Law Books, Second Cir- cuit Court | 500.00 |
| Purchase of Law Books, Third Cir- cuit Court | 500.00 |
| Purchase of Law Books, Fourth Cir- cuit Court | 500.00 |
| Purchase of Law Books, Fifth Cir- cuit Court | 500.00 |
| Expenses of Supreme Court | 800.00 |
| Compiling, Printing and Binding Supreme Court Reports | 2,500.00 |
| Expenses of First Circuit Court... | 33,000.00 |

| | | |
|-----------------------------------|-----------|-----------|
| Expenses of Second Circuit Court, | | |
| Maui | 10,000.00 | |
| Expenses of Third Circuit Court, | | |
| Kau, Kona and Kohala | 10,000.00 | |
| Expenses of Fourth Circuit Court, | | |
| Hilo | 13,500.00 | |
| Expenses of Fifth Circuit Court, | | |
| Lihue, Kauai | 14,000.00 | 94,300.00 |
| | | <hr/> |

LAND REGISTRATION COURT.

| | |
|--------------------|----------|
| Expenses | 6,000.00 |
|--------------------|----------|

DEPARTMENT OF THE ATTORNEY GENERAL.

Attorney General.

| | | |
|--------------------------------------|-----------|-----------|
| Incidentals | 12,000.00 | |
| Expenses, Appeals to Courts not | | |
| within Territory of Hawaii | 3,000.00 | 15,000.00 |
| | <hr/> | |

HIGH SHERIFF'S OFFICE.

| | |
|------------------------------------|-----------|
| Current Expense and Support and | |
| Maintenance of Prisoners | 96,000.00 |

DEPARTMENT OF PUBLIC INSTRUCTION.

Superintendent.

| | |
|------------------------------------|-----------|
| Furniture and Fixtures | 8,300.00 |
| Industrial and Manual Training.. | 7,500.00 |
| Book and Library Fund | 12,500.00 |
| General Expenses | 7,500.00 |
| School Supplies | 8,000.00 |
| Material for Lace Making | 1,500.00 |
| Support of Lahainaluna | 15,000.00 |

| | | |
|-------------------------------------|-----------|-----------|
| Support of Boys' Industrial School | 13,500.00 | |
| Support of Girls' Industrial School | 6,000.00 | 79,800.00 |

REPAIR AND MAINTENANCE OF SCHOOL PROPERTY.

(Including Janitor Service.)

| | | |
|-----------------------------------|-----------|-----------|
| Oahu | 29,500.00 | |
| Hawaii | 26,875.00 | |
| Maui, Molokai and Lanai | 9,000.00 | |
| Kauai | 8,250.00 | 73,625.00 |

BOARD OF HEALTH.

PRESIDENT.

Care of Lepers.

| | |
|--|------------|
| Segregation and Care of Lepers | 184,000.00 |
| Medical Department, Molokai Leper Settlement and Kalihi Receiving Station, Oahu | 30,000.00 |
| Kalihi Hospital and Improvements | 8,000.00 |
| Stamped Envelopes, Letter Paper and Postage Stamps for free use of Lepers and Suspects in Cus- tody | 1,500.00 |
| Maintenance Boys' Home | 6,000.00 |
| Maintenance of and Improvements Kapiolani Girls' Home, Kalihi, Oahu | 12,000.00 |
| Maintenance, General Hospital and Nursery, Molokai Settlement . . . | 4,200.00 |
| Freight and Passenger Guarantee for Weekly Common Carrier Ser- vice between Honolulu (Oahu) | |

and Kaunakakai, Kamalo, Hala-
 wa, Wailau, Pelekunu and Kalau-
 papa (Molokai), Lahaina (Maui),
 Kahalepalaoa (Lanai) by the way
 of Pukoo to and return two re-
 turn trips per month shall be
 from Kalaupapa (Molokai) to
 Honolulu (Oahu) direct, and a
 schedule of sailings for a period
 of not less than six months shall
 be filed with the Board of Health
 not less than sixty days before go-
 ing into effect, to be awarded af-
 ter public bid or tender, to the
 lowest bidder, provided, however,
 that a passenger steamer is used. 5,200.00 250,900.00

Kalaupapa Store, Molokai.

| | |
|---|-----------|
| Kalaupapa Store | 65,000.00 |
| Repair, Board of Health Telephone, Island of Molokai | 150.00 |

Quarantine and Medical Service and Supplies.

| | | |
|---|-----------|-----------|
| Maintenance of Ambulance | 2,520.00 | |
| Maintenance of Horse and Wagon, Hilo | 720.00 | |
| Purchase of Ambulance, Hilo | 300.00 | |
| Repairs, Quarantine Hospital, Hilo | 1,500.00 | |
| Quarantine, Fumigation, Disinfect- ants, Medical Supplies, Medical Service, Suppression of Conta- gious Diseases and Apparatus.. | 29,000.00 | 34,040.00 |

HOSPITALS.

| | | |
|---------------------------------------|-----------|-----------|
| Queen's Hospital | 24,000.00 | |
| Leahi Home | 15,000.00 | |
| Kapiolani Maternity Home | 7,200.00 | |
| Hilo Hospital, Hawaii | 9,500.00 | |
| Malulani Hospital, Maui | 6,000.00 | |
| Lihue Hospital, Kauai | 3,000.00 | |
| Waimea Hospital, Kauai | 2,000.00 | |
| Eleele Hospital, Kauai | 1,200.00 | |
| Aid to Associated Charities | 2,400.00 | 70,300.00 |

Insane Asylum.

| | |
|--|-----------|
| Insane Asylum and Infirmary, Maintenance and Incidentals | 45,000.00 |
|--|-----------|

General Expenses.

| | | |
|--|-----------|-----------|
| Sundry Expense | 10,000.00 | |
| Rent of ground for Quarantine Hospital and Kapiolani Girls' Home | 600.00 | 10,600.00 |

AUDITING DEPARTMENT.

Auditor.

| | |
|--|-----------------------|
| Incidentals and Traveling Expenses | 3,600.00 |
| | <u>\$1,636,245.00</u> |

SECTION 2. The Auditor shall not draw a warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditures of any money from the Treasury to be hereafter accounted for to the Legislature by indemnity bill, is hereby expressly prohibited.

SECTION 3. Any public official who shall falsely certify or approve for payment any bill or voucher against any item of this Act shall be deemed guilty of a misdemeanor, for which the offender shall, on conviction thereof, be fined not less than Fifty Dollars nor more than Five Hundred Dollars. (District Magistrates shall have jurisdiction in all cases under this Section.)

SECTION 4. No expenditure of public money for the construction or repair of public works, where the sum to be expended shall amount to Five Hundred Dollars (\$500.00) or more, or for the purchase of materials, provisions or other supplies for public purposes amounting in the aggregate to Five Hundred Dollars (\$500.00) or more, shall be made, except by contract after public advertisement for sealed tenders; and no public work or the purchase of material, provisions or supplies for public purposes shall be so divided or parcelled out as to defeat or evade the provisions of this section.

SECTION 5. All agreements or contracts made and entered into by any officer of the Territory of Hawaii, by or under which public money is to be expended shall be void and of no effect unless the Auditor shall endorse thereon his certificate that there remains, unexpended and unapplied, a balance in the Fund or Appropriation already made for such purpose, sufficient to cover the amount involved in such contract or agreement.

SECTION 6. This Act shall take effect on the First day of July, 1907.

Approved this First day of May, A. D. 1907, except as to the following items which I have vetoed and disapprove:

DEPARTMENT OF PUBLIC WORKS.

Superintendent.

"Repairs, Rehabilitation and Equipment, Aliiolani
Hale (Judiciary Building) \$ 50,000.00

BOARD OF HEALTH.

PRESIDENT.

Care of Lepers.

"Kalihi Hospital and Improvements 8,000.00

Hospitals.

"Malulani Hospital, Maui 6,000.00
"Lihue Hospital, Kauai 3,000.00
"Eleele Hospital, Kauai 1,200.00

G. R. CARTER,
Governor of the Territory of Hawaii.

We Hereby Certify that the following items of House Bill No. 74 after reconsideration on the Veto of the Governor, were, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the Legislature of the Territory of Hawaii this 1st day of May, A. D. 1907.

Kalihi Hospital and Improvements \$ 8,000.00
Repairs, Rehabilitation and Equipment Aliiolani
Hale (Judiciary Building) 50,000.00
Malulani Hospital, Maui 6,000.00

| | |
|----------------------------------|----------|
| Lihue Hospital, Kauai | 3,000.00 |
| Eleele Hospital, Kauai | 1,200.00 |

H. L. HOLSTEIN,
Speaker of the House of Representatives.

JOHN H. WISE,
Clerk, House of Representatives.

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

ACT 128.

AN ACT

TO PROVIDE FOR A MEMORIAL TO COMMEMORATE THE SIGNING
OF THE FIRST CONSTITUTION OF HAWAII BY KAMEHA-
MEHA III.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of Five Hundred Dollars (\$500.00) is hereby appropriated, to be paid out of all moneys in the Treasury not otherwise appropriated for the purpose of erecting at the site where the event took place at Iahaina, Maui, a suitable permanent memorial monument commemorating the signing of the first Constitution of Hawaii by Kamehameha the Third.

SECTION 2. This appropriation shall be under the control of and expended by the Board of Commissioners of Public Archives.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 129.

AN ACT

RELATING TO THE METHOD OF MARKING BALLOTS, AMENDING
SECTION 86 OF THE REVISED LAWS, AS AMENDED BY ACT
26 OF THE LAWS OF 1905.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 86 of the Revised Laws, as amended by Act 26 of the Laws of 1905, is hereby amended so as to read as follows:

"Section 86. A voter shall designate his choice for Senators, Representatives and Delegate respectively by making a cross, thus—X, with a black lead pencil in the righthand space or spaces provided for such purpose, opposite the name or names of the candidate or candidates for whom he desires to vote."

SECTION 2. This Act shall take effect upon its approval.

Approved this 1st day of May, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 130.**AN ACT**

TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC LIGHT AND POWER, WITHIN THE DISTRICT OF LAHAINA, ON THE ISLAND AND COUNTY OF MAUI, TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Lahaina Ice Company, Limited, as a body corporate, its successors and assigns, hereinafter called "The Company" be and hereby are vested with the right, authority and privilege for the term of thirty-five (35) years from and after the passage of this Act, to manufacture, sell, furnish and supply electric light, electric current, or electric power, in the District of Lahaina, on the Island of Maui, Territory of Hawaii, for lighting the streets, roads, public or private buildings, or for motive power, or for any other purpose which they may deem advisable, and from time to time, for said term of thirty-five years, for the purposes above mentioned, subject to the approval and supervision of the Superintendent of Public Works, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes, in said District of Lahaina, on said Island of Maui, and to connect the said lines, wires and conductors with any manufactory, private or public buildings, lamps, lamp posts or other structure or object with the place of supply.

SECTION 2. The Company shall at all times during the existence of said franchise promptly and efficiently supply such

electric light and power in said District of Lahaina as may from time to time be required by persons desiring the same, at any point or points, provided that it shall not be required to build, extend or maintain any line or branch line for the transmission of such electric light or power beyond a distance of three hundred feet from such extension or major fraction thereof, unless the number of lights or amount of power agreed to be taken for not less than one year shall be reasonably sufficient to warrant the construction of such line or branch line or extension; provided further that if the Company shall be unable to furnish power or light applied for by reason of lack of capacity of the plant or apparatus for producing and transmitting electric current, the Company shall be allowed a reasonable time, not exceeding one year from the date of any application, to procure such additional improvements or apparatus as may be necessary to furnish such applicant or applicants.

SECTION 3. The Superintendent of Public Works is hereby authorized to make, and from time to time change, amend, or add to, reasonable rules regulating the placing of poles, wires, the insulation of wires and apparatus carrying the electric current, and the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus and generally concerning the manufacture and supply of electricity which may be necessary for the public safety and welfare.

SECTION 4. That all poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and other appliances constructed, maintained or operated under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said District, on the Island of Maui, shall be so constructed, maintained and operated by the Company, as to not unnecessarily interfere with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 5. That the entire plant, lines, poles and all other apparatus and equipments shall, at all times, be subject and open to the inspection of the Superintendent of Public Works, or other officer appointed by him for that purpose.

SECTION 6. Said Company shall also have the right to maintain, use and operate electric meters or other means of measuring electric light, power or current supplied from time to time, and to locate the same at such places as may be deemed necessary for their protection; and also to charge, receive and collect from all consumers of electricity such reasonable prices as may be from time to time fixed and determined by the Company, but such charge shall not at any time exceed twenty cents per kilowatt hour or one thousand watt hours; provided, however, that the Company shall have the right to charge, receive and collect from each consumer of electricity for lighting the sum of two dollars per month, and from each consumer of electricity for power the sum of one dollar per month per horse power of apparatus connected to the service of the Company; provided further that power is hereby conferred upon the courts of appropriate jurisdiction at all times and upon the petition of any consumer or the Company to hear and determine from time to time what rate or rates are reasonable, and to enforce the same by appropriate judgment or decree.

SECTION 7. Said Company shall also have the right to charge consumers, or applicants for the use of electricity, for one-half of the cost and expense of making connections between the Company's nearest line of supply and the premises where the electricity is to be used; such cost and expense to include the price of all wires, poles, insulators and other materials, and labor necessary to be used in making such connections; provided, however, that the Company shall not be required to make, construct or maintain said connections as aforesaid for supplying light or power unless the applicants therefor, if required, shall deposit in advance with the Company a sum of

money sufficient to pay one-half of the total cost and expense of making and constructing such connections and for current for the period of one month.

SECTION 8. The said Company shall have the right to acquire, hold or take over, either by purchase or lease, property, both real, personal and mixed, as may be necessary or incidental to the proper conduct of its business; but said Company shall not have the right or power to purchase franchises and property of any other company of like nature in said District of Lahaina.

SECTION 9. Said Company, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the Company, shall have the power to borrow money and to secure the payment thereof, with the interest agreed upon, by mortgage of any or all of its property, franchises and privileges granted or obtained by virtue of this Act, or if it is deemed advisable, bonds may be issued, secured by deed of trust of such property, not to exceed sixty per centum of the actual value thereof, with all future acquired property, as well as the income and receipts of the property from whatever source derived and in such form and under such terms as the Company shall deem advisable; provided that nothing in this section contained shall operate to prevent said Company from obtaining the usual business credits and to make promissory notes without security.

SECTION 10. That said Company, its representatives, successors and assigns, shall be responsible for any damages, either to person or property, resulting from any act of negligence on its part, which may occur by reason of the exercise of any of the privileges herein granted.

SECTION 11. It is provided that if the Company shall fail or refuse to do or perform or comply with any of the provisions of this Act, or of the laws of the Territory of Hawaii, and continues to refuse and fail to perform or comply therewith after reasonable notice given by the Superintendent of Public

Works, said Superintendent of Public Works may, with the consent of the Governor and of the Attorney General, cause proceedings to be instituted before an appropriate tribunal to have the franchise granted hereby, and all rights and privileges accruing thereunder, forfeited and declared null and void.

SECTION 12. It is hereby expressly provided that nothing herein contained shall be construed as to grant the Company an exclusive right to furnish, sell or supply electric light and power.

SECTION 13. The said Company shall, within one month after the expiration of each year, file with the Superintendent of Public Works a statement showing the gross receipts from the sale of electric light and power furnished by the Company, and shall at the same time pay to the Superintendent of Public Works one per centum of the gross receipts of the Company from all electric light or power furnished to consumers during the year preceding.

SECTION 14. This Act shall go into effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval to be secured within five years from the date of this Act becoming law.

Approved this 1st day of May, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 131.

AN ACT

TO PROVIDE FOR THE DISPOSITION OF NET PROFITS ARISING
FROM AGRICULTURAL AND INDUSTRIAL PURSUITS IN THE
LAHAINALUNA SEMINARY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All net profits arising from agricultural and industrial pursuits at the Lahainaluna Seminary shall, by the Department of Public Instruction, be expended in the maintenance and operation of the school from which the same are derived, in such manner as it shall deem best.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 132.

AN ACT

TO REGULATE THE STORAGE OF OILS AND OTHER LIQUID
EXPLOSIVES IN THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be lawful for any person, firm or corporation to erect, by and with the approval of the Superintendent of Public Works, in the Territory of Hawaii, a building or

warehouse for the storage of petroleum, kerosene oil and other light products of petroleum and turpentine, and on complying with the provisions of this Act, as hereafter set out, such person, firm or corporation are authorized and empowered to store and keep such quantities of petroleum, kerosene oil and other light products of petroleum and turpentine as they or it shall find necessary to carry on business in the manner prescribed and approved by the Superintendent of Public Works.

SECTION 2. The Superintendent of Public Works of the Territory of Hawaii, on application in writing, describing the place where such warehouse is proposed to be erected, the general plan of architecture thereof, the material to be used therein and the probable cost of erection of the same, may grant a permit to any person, firm or corporation for the erection of such building or warehouse for the purposes set out in the first section of this Act, upon being satisfied that the location of the building or warehouse will not endanger the safety of persons or property in the immediate neighborhood thereof.

SECTION 3. The Superintendent of Public Works of the Territory of Hawaii may appoint a suitable person to inspect the buildings or warehouses, erected under the provisions of this Act and the petroleum, kerosene oil and other light products of petroleum and turpentine stored therein from time to time as he may deem necessary, and said buildings or warehouses shall be open from nine of the clock in the morning of each working day and remain open until four of the clock of the afternoon of each day for the inspection of all oils and liquid explosives stored therein.

SECTION 4. Every person, firm or corporation in the Territory of Hawaii, importing or dealing in petroleum, kerosene oil and other light products of petroleum and turpentine may store their, his or its petroleum, kerosene oil and other light products of petroleum and turpentine in any building or warehouse erected under the provisions of this Act, and may pay

such sum or sums for the storage of the same to the owner of such building or warehouse as may be agreed upon.

SECTION 5. Every owner of any building or warehouse erected under the provisions of this Act shall pay an annual license fee of two hundred dollars to the Territory of Hawaii, and the Treasurer of the Territory of Hawaii shall, upon the payment thereof, issue a license to such owner, person, firm or corporation which shall permit the licensee to keep or store petroleum, kerosene oil and other light products of petroleum and turpentine in any building or warehouse erected under the provisions of this Act, for the space of one year from the date of such license.

SECTION 6. Every person, firm or corporation who shall sell, dispose of, store or keep any petroleum, kerosene oil and other light products of petroleum and turpentine as set out in the first section of this Act in any building or warehouse not erected in accordance with the provisions of this Act and any person, firm or corporation who shall store or keep any such petroleum, kerosene oil and other light products of petroleum and turpentine in any building or warehouse without first obtaining a license therefor, shall be guilty of a misdemeanor and shall, upon conviction, forfeit and pay a penalty not exceeding five hundred dollars for each offense, and upon a second conviction, may be imprisoned for the space of six months. Provided, however, that the provisions of this Act shall not be construed or held to apply to any building, warehouse or tank heretofore constructed for the purpose of, and used for, storing and keeping any oils or liquid explosives as enumerated in the first section of this Act, which building, warehouse or tank shall have been or shall receive the approval of the Superintendent of Public Works both as to location and construction.

SECTION 7. Any person, firm or corporation may keep in his, their or its store, or warehouse, any such petroleum, kerosene oil and other light products of petroleum and turpentine for sale or disposal in quantities not more than ten cases with

the approval of the Superintendent of Public Works and shall not be liable to prosecution for an offense under the provisions of this Act.

SECTION 8. All Acts and parts of Acts inconsistent with and repugnant to this Act are hereby repealed.

SECTION 9. This Act shall take effect from and after its approval.

Approved this 1st day of May, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 133.

AN ACT

MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE GOVERNMENT OF THE TERRITORY OF HAWAII DURING THE TWO YEARS WHICH WILL END WITH THE THIRTIETH DAY OF JUNE, A. D. 1909.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums of money, amounting to Four Hundred and Forty-eight Thousand, Five Hundred Dollars (\$448,500.00) are hereby appropriated out of any moneys which may be received by the Treasurer for or on account of the Loan Fund during the bi-ennial period ending June 30th, 1909; exclusive of any balance which may be brought forward from the previous bi-ennial period.

SECTION 2.

GENERAL APPROPRIATIONS.

| | |
|--|---------------------|
| Completion of Nuuanu Dam and Reservoir No. 4.. | \$132,000.00 |
| Purchase of Pauoa Water, also impounding and delivery of the same | 140,000.00 |
| New School Buildings, Hawaii | 36,250.00 |
| New School Buildings, Kauai | 12,500.00 |
| New School Buildings, Maui, Lanai and Molokai | 40,000.00 |
| New School Buildings, Oahu | 21,250.00 |
| Extension Water Works, Kamuela, Hawaii | 1,500.00 |
| Shed, Government Wharf No. 2 (two story) | 45,000.00 |
| Extension to Wharf System, Hilo— Reconstruction Government Wharf | 20,000.00 |
| Total | <u>\$448,500.00</u> |

SECTION 3. Should any Government official divert the excess of any appropriation, or any part thereof, above cost of construction of such work, to any other purpose, he shall be guilty of embezzlement.

SECTION 4. Every contract for constructing public works, or for furnishing material therefor amounting to Five Hundred Dollars (\$500.00) or more, shall be awarded to the lowest responsible bidder who shall furnish a sufficient bond, only upon public advertisement for tenders; and no public work or requirement for material therefor shall be divided or parcelled out for the purpose of evading the provisions of this Section.

SECTION 5. All agreements or contracts made and entered into by any officer of the Territory of Hawaii by or under which public money is to be expended, shall be void and of no effect unless the Auditor shall endorse his certificate that there remains, unexpended and unapplied, a balance in the fund or appropriation already made for such purpose, sufficient to cover the amount involved in such contract or agreement.

SECTION 6. Any public official who shall falsely certify or approve for payment any bill or voucher against any item of this Act, shall be deemed guilty of a misdemeanor, for which the offender shall, on conviction thereof, be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). District Magistrates shall have jurisdiction in all cases under this section.

SECTION 7. This Act shall take effect from and after the date of its approval.

Approved this First day of May, A. D. 1907, except as to the following items which I have vetoed and disapprove:

GENERAL APPROPRIATIONS.

"Purchase of Pauoa Water, also impounding and
delivery of the same \$140,000.00
"Extension Water Works, Kamuela, Hawaii 1,500.00

G. R. CARTER,
Governor of the Territory of Hawaii.

WE HEREBY CERTIFY that the following item of House Bill No. 131, after reconsideration on the veto of the Governor, was, upon a vote taken by ayes and noes, approved by a two-third's vote of all of the elective members of the Legislature of the Territory of Hawaii, this 1st day of May, A. D. 1907.

"Extension Water Works, Kamuela, Hawaii \$1,500.00

H. L. HOLSTEIN,
Speaker of the House of Representatives.

JOHN H. WISE,
Clerk, House of Representatives.

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

ACT 134.**AN ACT**

**TO REPEAL CHAPTER 30 OF THE REVISED LAWS OF HAWAII
RELATING TO POUNDS.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 30 of the Revised Laws of Hawaii relating to Pounds is hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its approval.

We hereby certify that the foregoing Bill, after reconsideration on the Veto of the Governor, was, on a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii, this 1st day of May, A. D. 1907.

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk, of the Senate.

We hereby certify that the foregoing Bill, after reconsideration on the Veto of the Governor, was, on a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 1st day of May, A. D. 1907.

H. L. HOLSTEIN,
Speaker, House of Representatives.

JOHN H. WISE,
Clerk, House of Representatives.

ACT 135.**AN ACT****MAKING SPECIAL APPROPRIATIONS FROM THE LOAN FUND OF
THE TERRITORY OF HAWAII.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The following sums, amounting to One Hundred and Thirty-five Thousand, One Hundred and Seventeen and 96-100 Dollars (\$135,117.96), are hereby appropriated out of any moneys which may be in the Treasury for or on account of Loan Fund, and all appropriations made under this Act shall lapse on June 30, 1909.

GENERAL

| | | |
|---|--------------|-----------|
| Kalawao and Kalaupapa Water Works | \$ 12,000.00 | |
| Pali Road, Kalaupapa | 1,000.00 | |
| Home for Non-leprous Male Children of Leprous Parents | 15,000.00 | 28,000.00 |
| | | <hr/> |

OAHU.

| | | |
|---|--------------|-----------|
| Educational Buildings, Oahu | \$ 56,177.96 | |
| Completion Kalihiwaena School | 3,500.00 | 59,617.96 |
| | | <hr/> |

HAWAII.

| | |
|------------------------------|-----------|
| Courthouse, Kailua | 10,000.00 |
|------------------------------|-----------|

MAUI.

| | |
|-------------------------------|-----------|
| Courthouse, Wailuku | 25,000.00 |
|-------------------------------|-----------|

KAUAI.

| | | |
|---------------------------------|-----------|--------------|
| New Landings, Wharves and Ware- | | |
| houses | 11,000.00 | |
| Waimea Water Works | 1,500.00 | 12,500.00 |
| | | <hr/> |
| Total | | \$135,117.96 |

SECTION 2. It shall be lawful for the Treasurer to continue to make payments in accordance with the appropriations authorized by this Act from any unexpended balance until the whole of the sums hereinbefore appropriated are expended as herein provided. But should any Government official divert the excess of any appropriation, or any part thereof, above cost of construction of such work, to any other purpose, he shall be guilty of embezzlement.

SECTION 3. Every contract for constructing public works, or for furnishing material therefor, amounting to Five Hundred Dollars (\$500.00) or more, shall be awarded to the lowest responsible bidder who shall furnish a sufficient bond, only upon public advertisement for tenders; and no public work or requirement for material therefor shall be divided or parcelled out for the purpose of evading the provisions of this section.

SECTION 4. All agreements or contracts made and entered into by any officer of the Territory of Hawaii by or under which public money is to be expended shall be void and of no effect unless the Auditor shall endorse his certificate that there remains, unexpended and unapplied, a balance in the fund or appropriation already made for such purpose, sufficient to cover the amount involved in such contract or agreement.

SECTION 5. Any public official who shall falsely certify or approve for payment any bill or voucher against any item of this Act, shall be deemed guilty of a misdemeanor, for which

the offender shall, on conviction thereof, be fined not less than Fifty Dollars nor more than Five Hundred Dollars. District Magistrates shall have jurisdiction in all cases under this section.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this First Day of May, A. D. 1907, except as to the following item which I have vetoed and disapprove:

KAUAI.

"New Landings, Wharves and Warehouses.....\$11,000.00

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 136.

AN ACT

TO ENCOURAGE THE CONSTRUCTION AND EXTENSION OF WATER
SYSTEMS ESTABLISHED FOR THE PURPOSE OF DISTRIBUT-
ING WATER FOR SALE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. For the term of ten years from and after January 1st, 1908, all property, both real and personal, actually and solely used in the construction, operation, maintenance of any water system, including therein ditches, tunnels, canals, flumes, reservoirs, water gates, dams and all other means of storing and distributing water, existing or established for the purpose of distributing water for sale to the general public for irrigation, agricultural and domestic purposes by any per-

son or persons, corporation or joint stock company, who or which may establish or construct any such system after said first day of January, 1908, shall be exempt from all taxation imposed either by the Territory of Hawaii or any political subdivision thereof.

SECTION 2. This Act shall take effect from the date of its approval.

Approved this 1st day of May, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 137.

AN ACT

TO ENCOURAGE THE EXTERMINATION OF MONGOOSE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be the duty of the Treasurer to offer and pay a bounty for the killing of the animal known as the mongoose whenever and so soon as the Legislature shall appropriate funds for the payment thereof. Whenever such funds shall have been appropriated and are available, the Treasurer shall give notice of the fact specifying the conditions upon which such bounty will be paid, and cause the same to be published in at least three newspapers of general circulation in the Territory.

SECTION 2. The bounty herein provided for shall be ten cents for each mongoose head produced and delivered in accordance with the provisions of this Act.

SECTION 3. The several Tax Assessors are hereby authorized and it shall be their duty to act as agents of the Treasurer

within their respective divisions for the purpose of receiving mongoose heads from persons applying for such bounty.

SECTION 4. Every applicant for such bounty shall deliver to the Tax Assessor of the Taxation Division within which he resides the mongoose heads upon which he claims bounty, and such applicant shall at the same time make and subscribe to a statement under oath specifying the amount of bounty claimed and setting forth that the mongoose from which such heads were taken were killed within such Taxation Division within sixty days next preceding the date of such delivery.

SECTION 5. The Tax Assessor shall forthwith effectually destroy all mongoose heads delivered to him by such applicant and shall forward the applicant's affidavit together with a certificate signed by himself setting forth that such application for bounty has been made, that the number of mongoose heads specified in such affidavit have been actually delivered to him. Upon receipt of such affidavit and certificate the Treasurer shall, if he have no ground for believing such claim to be fraudulent, approve the claim and deliver the same as a voucher to the Auditor who shall thereupon issue a warrant payable to the applicant for the amount of the claim.

SECTION 6. The several Tax Assessors are hereby authorized to administer the oath required by Section 4. Any false statement contained in any such affidavit shall be deemed to be perjury and punishable as such, and the person making such false statement shall, on conviction, be liable to punishment accordingly.

SECTION 7. Any person harboring, feeding or in any way caring for a mongoose, shall be guilty of a misdemeanor and upon conviction, punished by a fine not exceeding fifty dollars or by imprisonment not exceeding fifty days, or by both such fine and imprisonment.

SECTION 8. This Act shall take effect from the date of its approval.

Approved this 1st day of May, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 138.

AN ACT

RELATING TO THE HOLDING OF REAL ESTATE AND CORPORATE
STOCK BY BANKING CORPORATIONS, AMENDING SECTIONS
2592 AND 2593 OF THE REVISED LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That Section 2592 of the Revised Laws, as amended by Act 76 of the Session Laws of 1905, is hereby further amended by striking out from lines 23 to 31 (as said lines appear in said Section 2592 of the Revised Laws) the words "And also to accept and take such real estate as shall be mortgaged to it in good faith by way of security, such as shall be conveyed to it in satisfaction of debts previously contracted, such as it shall purchase at sales under judgments, decrees or mortgages held by the corporation or shall purchase to secure debts due to it. But no such corporation shall hold the possession of any real estate under mortgage or the title and possession of any real estate purchased to secure any debts due to it for a longer period than five years," and inserting in lieu thereof the following: "And also to acquire, own and hold such real estate as may be requisite for the convenient transaction of its business or for purposes of investment, not exceeding

in value in all, as acquired from time to time, twelve and one-half per centum of the amount of its capital stock, exclusive of such real estate as may be required for the convenient use of such bank and for the situs or place upon which its banking business shall be conducted; and further, to accept and take such real estate as may be mortgaged to it in good faith by way of security or which may be purchased by it in satisfaction of debts previously contracted, or under sales made under judgments, decrees or mortgages held by it, or to secure debts to it. Provided, that all real estate, except the banking premises, acquired or held in excess of said twelve and one-half per centum of the amount of its capital, whether under foreclosure of mortgage or by sale or purchase to secure any debts, or otherwise, shall be disposed of within five years after the same shall have been so acquired," so that said Section 2592, as amended, shall read in full as follows:

"Section 2592. Powers. Every corporation formed under the provisions of this chapter shall in addition to the powers conferred upon bodies corporate by the provisions of Chapter 157 have the following powers, subject to all the restrictions and provisions in this chapter contained to carry on the business of a bank of discount and deposit in this Territory, to maintain branch banks for the purpose of carrying on said business of banking at such places in this Territory as the corporation may decide, the Taxation District of Honolulu excepted, upon payment of a license fee as required by law, and to make loans of money on cash credit accounts, promissory notes, bills of exchange or letters of credit and other securities of the like nature. And it shall also be lawful for the corporation to deal in money, bullion, specie, precious metal and exchanges of and with all countries and in notes, bills or other securities for money and generally to transact all such other business as is or shall or may at any time hereafter be usual or lawful for establishments carrying on banking in all its branches, except as a bank of issue, to do or transact, also to

take security by hypothecation of bills of lading for the payment of any bill or bills of exchange, drawn against any shipment of any description of produce, bullion or merchandise shipped for exportation to foreign ports or from foreign ports to any port in this Territory or from one port to another in this Territory. Also to make any advances of money to the proprietors of any sugar mill or sugar or rice plantation on condition of receiving in payment as security only for such money the crops of sugar and other produce of such proprietor, and also to acquire, own and hold such real estate as may be requisite for the convenient transaction of its business or for purposes of investment, not exceeding in value in all, as acquired from time to time, twelve and one-half per centum of the amount of its capital stock, exclusive of such real estate as may be required for the convenient use of such bank as and for the situs or place upon which its banking business shall be conducted; and further, to accept and take such real estate as may be mortgaged to it in good faith by way of security or which may be purchased by it in satisfaction of debts previously contracted, or under sales made under judgments, decrees or mortgages held by it, or to secure debts to it. Provided, that all real estate, except the banking premises, acquired or held in excess of said twelve and one-half per centum of the amount of its capital, whether under foreclosure of mortgage or by sale or purchase to secure any debts, or otherwise, shall be disposed of within five years after the same shall have been so acquired. It may hold and dispose of every kind of personal property, chattels, wares and merchandise, franchises or incorporeal rights and easements which it may have taken in good faith as security in the ordinary course of its business as the interest of the corporation may require. The corporation shall not undertake or be employed in any commercial, agricultural, manufacturing or common carrier business; and its right to hold and dispose of property acquired from securities or in payment of debts shall not be construed to authorize the bank

to undertake, engage in or carry on any such business as last above mentioned."

SECTION 2. That Section 2593 of the Revised Laws is hereby amended by adding at the end of said Section 2593 the words "if such disposition can be made without loss, but in any event to be disposed of as soon thereafter as practicable without loss, provided, however, that any corporation formed under this chapter may acquire and hold a majority or any number of the shares of the capital stock of a corporation owning no other property than the situs or place and building upon or in which its banking business shall be conducted," so that said Section 2593 as amended shall read as follows:

"Section 2593. Collateral Security and Purchase of Shares, Limitations. No corporation formed under this chapter shall take as security for any loan or discount a lien upon any part of its own capital stock and no such corporation shall be the purchaser of any part of its own capital stock nor of the capital stock of any other corporation formed under this chapter or of any incorporated company or partnership firm, unless such purchase shall be necessary to prevent loss from a debt previously contracted in good faith, or unless in case of the forfeiture of stock for non-payment of installments due thereon; and all stock thus purchased or acquired shall be disposed of again within six months from the date of purchase or acquisition, if such disposition can be made without loss, but in any event to be disposed of as soon thereafter as practicable without loss; provided, however, that any corporation formed under this chapter may acquire and hold a majority or any number of the shares of the capital stock of a corporation owning no other property than the situs or place and building upon or in which its banking business shall be conducted."

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 1st day of May, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

ACT 139.

AN ACT

**TO AUTHORIZE AN ISSUE OF BONDS BY THE COUNTY OF MAUI,
IN THE SUM OF ONE HUNDRED TEN THOUSAND DOL-
LARS, UNDER THE PROVISIONS OF ACT SIXTY-FIVE OF THE
SESSION LAWS OF NINETEEN HUNDRED AND SEVEN.**

WHEREAS, by authority of the provisions of Act sixty-five of the Session Laws of 1907 of the Territory of Hawaii, entitled "An Act to Enable the Counties to Provide for County Loans," approved and in effect the sixteenth day of April, 1907, there was duly passed and adopted by the Board of Supervisors of the County of Maui, in said Territory, by the affirmative vote of said Board, on the seventeenth day of April, 1907, a Resolution of said Board of Supervisors authorizing the Treasurer of the County of Maui to issue bonds of said County in accordance with the provisions of said Act 65 of the Session Laws of 1907, in the amount of one hundred ten thousand dollars (\$110,000.00), to bear interest at the rate of five per centum per annum, redeemable in not more than five years and payable in not more than fifteen years from the date of issue, for the purpose of providing funds for the relocation and completion of construction of certain public roads in said County of Maui, a detailed statement of said intended uses being in said Resolution particularly set forth; and

WHEREAS, a full, true and correct copy of said Resolution, with the certificate thereto attached, was and is in the words and figures following, to wit:

“ RESOLUTION 150.

“ *Be it Resolved* by the Board of Supervisors of the County
“ of Maui, Territory of Hawaii:

“ Whereas, heretofore and on, to wit, the 16th day of April,
“ A. D. 1907, there was duly approved and there then became
“ law an Act entitled: “An Act to Enable the Counties to
“ Provide for County Loans”, known as Act number 65 of the
“ Session Laws of the Legislature of the Year 1907, and

“ Whereas, it is for the best interests of the residents of the
“ County of Maui that it make a loan in the sum of One Hun-
“ dred and Ten Thousand Dollars, and issue therefor its bonds
“ in accordance with the provisions of said Act, and all other
“ powers it thereunto enabling, and

“ Whereas, the assessed value of the taxable property in the
“ County of Maui is Twenty-one Million One Hundred and
“ Twenty-six Thousand and Seven Hundred and Fifty-eight
“ Dollars, and

“ Whereas, there has not heretofore, by said County, been
“ incurred any bonded indebtedness,

“ Now, Therefore, the Treasurer of the County of Maui is
“ hereby authorized and empowered to issue bonds of the
“ County of Maui under and in accordance with the provisions
“ of Act 65 of the Session Laws of the Legislature for the year
“ 1907 in the amount, rate of interest and the term specified as
“ follows: to wit:

“ Amount: One Hundred and Ten Thousand Dollars.

“ Rate of Interest: Five per cent.

“ Term: Redeemable in not more than five years, and pay-
“ able in not more than fifteen years from date of issue.

“ The proceeds of the sale of such bonds shall, by the County
“ of Maui, be used as follows:

- " Relocating and completing of belt road from Na-
 " hiku to Kailua \$ 30,000.00
 " Relocating and completing of belt road from Ha-
 " na to Kipahulu \$ 16,000.00
 " Relocating belt road from Paia to Honokala . . . \$ 30,000.00
 " Relocating and completing belt road from Kamaa-
 " laea to Olowalu \$ 16,000.00
 " Relocating and completing belt road on Molokai
 " from Halawa to Kawela \$ 8,000.00
 " Extension of belt road from Waihee to Honoka-
 " hau \$ 10,000.00
 " Introduced by W. P. Haia, Supervisor.
 " Seconded by Theodore T. Meyer, Supervisor.
 " Carried by the following vote: W. P. Haia, Theodore T.
 " Meyer, Thomas M. Church, and William Henning.
 " Approved by:

(Signed) W. HENNING,

" (Seal, County of Maui) Chairman of the Board of Su-
 " (Territory of Hawaii) pervisors of the County of
 " Maui, Territory of Hawaii.

" Attest: WM. FRED. KAAE,
 " County Clerk, County of Maui.

" Territory of Hawaii,
 " County of Maui, ss.

" I, William F. Kaae, County Clerk of the County of Maui,
 " Territory of Hawaii, and ex officio clerk of the Board of
 " Supervisors of the said County, hereby certify that the fore-
 " going Resolution was on, to wit, the 17th day of April, A. D.
 " 1907, passed by the Board of Supervisors of the said County
 " of Maui, and that the foregoing is a full, true and correct
 " copy of the entry of the original of said resolution on file in
 " my office as such County Clerk, in Wailuku, in said County.
 " In Witness Whereof I have hereunto set my hand and

"caused the official seal of the County of Maui to be hereunto
 "affixed this 17th day of April, A. D. 1907.

" (Signed) WM. FRED. KAAE,

" (Seal, County of Maui) County Clerk, County of Maui,

" (Territory of Hawaii) Territory of Hawaii."

AND WHEREAS, the assessed value of the taxable property in said County of Maui, as shown by the tax assessment records for the year nineteen hundred and seven, is twenty-one million, one hundred twenty-six thousand, seven hundred fifty-eight dollars (\$21,126,758.00); and there has not heretofore been created by said County of Maui any bonded indebtedness; and the indebtedness which may be incurred under said proposed issue of said bonds is less than one per centum (1%) of said assessed value of the taxable property in said County; therefore

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Treasurer of the County of Maui, in the Territory of Hawaii, be and he is hereby authorized and empowered, in accordance with the terms of said Resolution of the Board of Supervisors of said County passed and adopted the seventeenth day of April, 1907, hereinabove set forth, and the terms of this Act, and subject also to the approval of the President of the United States, to issue bonds of said County of Maui, with interest coupons thereto attached, in the sum of one hundred ten thousand dollars (\$110,000.00), said bonds to bear interest payable semi-annually at the rate of five per centum (5%) per annum, the principal and interest to be payable in gold coin of the United States of America or its equivalent at its present standard of weight and fineness, the proceeds of the sale of said bonds to be used for the purpose of meeting the requirements of said County for the relocation and completion of construction of those certain public roads in said

County, in the proportionate amounts for each of said roads respectively, as in said Resolution and in this Act specified, that is to say:

First. Relocating and completing of belt road on the Island of Maui, from Nahiku to Kailua...\$ 30,000.00

Second. Relocating and completing of belt road on the Island of Maui, from Hanā to Kipahulu...\$ 16,000.00

Third. Relocating belt road on the Island of Maui from Paia to Honokala\$ 30,000.00

Fourth. Relocating and completing of belt road on the Island of Maui from Kamaalaea to Olowalu.\$ 16,000.00

Fifth. Relocating and completing belt road on the Island of Molokai from Halawa to Kawela...\$ 8,000.00

Sixth. Extension of belt road on the Island of Maui from Waihee to Honokahau\$ 10,000.00

SECTION 2. The issue of the bonds hereby authorized, and the sale thereof, and the payment of the principal and interest of and upon the same, and the application of the proceeds of the sale of said bonds, shall in every respect strictly conform to the terms, provisions and conditions in said Act 65 of the Session Laws of 1907 of the Territory of Hawaii contained, and any and every other term, provision and condition which shall be prescribed with respect thereto by the President of the United States.

SECTION 3. All of such bonds and the interest coupons thereof shall constitute a charge upon the consolidated revenue of said County of Maui, but nothing in this Act contained shall be held in any manner to authorize or empower said County to levy or impose taxes.

SECTION 4. This Act shall take effect upon the date of its approval by the President of the United States.

We hereby certify that the foregoing Bill after reconsideration on the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii this 1st day of May, A. D. 1907.

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

We hereby certify that the foregoing Bill, after reconsideration on the Veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii this 1st day of May, A. D. 1907.

H. L. HOLSTEIN,
Speaker, House of Representatives.

JOHN H. WISE,
Clerk, House of Representatives.

ACT 140.

AN ACT

MAKING SPECIAL APPROPRIATIONS FOR THE USE OF THE GOVERNMENT OF THE TERRITORY OF HAWAII TO PAY CLAIMS INCURRED PRIOR TO AND INCLUSIVE OF THE THIRTIETH DAY OF JUNE, A. D. 1905.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The following sums of money, amounting to Sixteen Thousand Eight Hundred and Twenty-eight Dollars

and Sixty-two Cents, are hereby appropriated to be paid out of all moneys in the Treasury received from all the current receipts of the several revenues of the Territory of Hawaii for the following claims against the Territory of Hawaii incurred prior to and inclusive of the Thirtieth day of June, A. D. 1905.

UNPAID CLAIMS OF THE LEGISLATURE, 1903

1903.

July 10

| | | | |
|----------------------------|--------|----------|----------|
| J. M. Keanu | 22.70 | | |
| Enoch Johnson | 290.55 | | |
| John Wise | 290.55 | | |
| Chas. Wilcox | 68.70 | | |
| W. J. Coelho | 553.35 | | |
| D. H. Kahaulelio | 127.69 | | |
| Solomon Meheula | 705.92 | | |
| Paradise of the Pacific .. | 765.26 | | |
| Hawaiian News Co. | 25.64 | 2,827.66 | 2,850.36 |

UNPAID CLAIMS, EXTRA SESSION OF THE LEGISLATURE, 1905.

| | |
|---|-------|
| Payment in full, Solomon Mahelona | 50.00 |
|---|-------|

SECRETARY OF THE TERRITORY.

| | |
|---|-------|
| Ambrose K. Hutchinson, Refund of Nomination Fees deposited with the Secretary of the Territory, as Candidate for office of Deputy Sheriff, Kalawao County, Election of 1906 | 25.00 |
|---|-------|

DEPARTMENT OF FINANCE.

Treasurer's Office.

1904

| | | |
|-----------------------------|------|--|
| Mar. 9 Lewers & Cooke, Bill | 6.00 | |
|-----------------------------|------|--|

Tax Bureau, Oahu.

| | | |
|-----------------------------|--------|--|
| Nov. 15 Mary C. Beckley.... | 170.80 | |
|-----------------------------|--------|--|

DEPARTMENT OF PUBLIC WORKS.

Landing and Wharves.

General.

1905.

June 30

| | | |
|----------------------------|--------|--------|
| I. I. S. N. Co., Bill..... | 103.00 | |
| I. I. S. N. Co., Bill..... | 54.34 | 157.34 |

Departmental Expenses.

1904.

| | | |
|---|------|------|
| March 18 Hilo Tribune Publishing Co., Ltd., Bill..... | 1.50 | |
| March 25 Hilo Tribune Publishing Co., Ltd., Bill | .75 | |
| April 1 Hilo Tribune Publishing Co., Ltd., Bill | .75 | 3.00 |

1905.

Mar. 31

To Richard H. Trent, services as Secretary of Board of Commissioners to determine Water Right Val-

| | |
|---|-------|
| ues in Pauoa Valley, Honolulu, including assistance of clerk and stenographer | 50.00 |
| To Mrs. Emma M. Nakuina, services as member Board of Commissioners to determine Water Right Values in Palolo Valley, Honolulu, in making personal expert examinations of water sources, interviewing land owners, lessees, etc., 5 days at \$6.00 per day | 30.00 |
| April 30 | |
| To Richard H. Trent, services as Secretary Board of Commissioners to determine Water Right Values, in Pauoa Valley, Honolulu, including assistance of clerk and stenographer | 25.00 |
| To Richard H. Trent, services as Secretary Board of Commissioners to determine Water Right Values in Kalihi Valley, Honolulu, including assistance of clerk and stenographer | 50.00 |
| May 31 | |
| To Richard H. Trent, services as Secretary Board of Commissioners to de- | |

| | | |
|---|-------|--------|
| termine Water Right Values in Pauoa Valley, Honolulu, including assistance of clerk and stenographer | 15.00 | |
| To Richard H. Trent, services as Secretary Board of Commissioners to determine Water Right Values in Kalihi Valley, Honolulu, including assistance clerk and stenographer | 25.00 | |
| June 30 | | |
| To Richard H. Trent, services as Secretary Board of Commissioners to determine Water Right Values in Pauoa Valley, Honolulu, including assistance of clerk and stenographer | 25.00 | |
| To N. J. Polmere, services for measuring Water in Palolo, Pauoa and Kalihi Valleys, Honolulu, Oahu | 24.00 | 224.00 |
| 1905. | | |
| May 31 Hawaiian Electric Co., Bill | 3.10 | |
| June 30 | | |
| Hawaiian Electric Co., Bill | 3.00 | |
| Hawaiian Electric Co., Bill | 13.25 | 19.35 |
| | <hr/> | |

Traveling Expenses.

Superintendent of Public Works.

1902.

| | |
|---|--------|
| Feb. 18 Volcano Stables and Transportation Co. | 195.00 |
|---|--------|

Road Engineer.

1905.

| | | |
|--|-------|-------|
| Apr. 30 Volcano Stables and Transportation Co., Bill... | 10.60 | |
| May 31 Volcano Stables and Transportation Co., Bill.. | 21.50 | |
| June 30 Volcano Stables and Transportation Co., Bill... | 6.00 | 38.10 |

Roads and Bridges, General.

Kau.

1905.

| | | |
|---|--------|--------|
| Apr. 8 T. H. Davies & Co., Bill | 315.95 | |
| Apr. 30 T. H. Davies & Co., Bill | 99.23 | |
| May 31 T. H. Davies & Co., Bill | 61.20 | |
| June 30 T. H. Davies & Co., Bill | 150.00 | 626.38 |

Hamakua.

| | |
|--|--------|
| Payment to Hamakua Mill Co., for bridges constructed and turned over to the Ter- ritory | 600.00 |
|--|--------|

Printing and Advertising.

1905.

June 30 Bulletin Publishing
Co., Bill

27.40

Sewer System, Honolulu.

1905.

Aug. 22 Vincent and Belser,
to payment in full of con-
tract to construct Section 2
of Sewer System, Honolulu

48.01

Maintenance, Sewer System.

Honolulu.

1905.

June 30

T. H. Davies & Co., Bill.. 4.13
California Feed Co., Bill.. 16.75

20.88

Electric Light, Honolulu.

1904.

July 16 Honolulu Rapid Tran-
sit and Land Company, Bill 199.50

1905.

June 30 Hawaiian Electric
Co., Bill

28.00 227.50

Expense and Maintenance, Police Fire Alarm.

1905.

June 17 Emmeluth & Co., Bill 3.00
June 30 W. W. Wright & Co.,
Bill 6.50

| | | |
|------------------------------|-------|-------|
| June 30 California Feed Co., | | |
| Bill | 24.51 | |
| June 30 Lucas Bros., Bill... | 7.00 | 41.01 |

Labor Pay Roll.

Road Kaola to Kahaualea, Puna.

| | |
|-------------------------------|--------|
| 1905. D. A. Loebenstein, Bill | 104.00 |
|-------------------------------|--------|

*Agreements with the Estate of B. P. Bishop Uncompleted on
Account of Changes Effected by the County Act Relative
to Maintenance of Roads.*

| | | |
|-----------------------------|--------|--------|
| Curbing Halekauwila Street, | | |
| Estimated Cost | 350.00 | |
| Curbing King Street, Estim- | | |
| ated Cost | 122.50 | 472.50 |

Claims for Property Taken for Street Widening.

| | | |
|--------------------------------|--------|----------|
| Estate of James W. Austin, | | |
| land taken on Nuuanu Street | 938.35 | |
| Estate of Robert Love, land | | |
| taken on Fort Street | 935.00 | |
| Mrs. Manuel Reis, land taken | | |
| at Kailua, Hawaii | 100.00 | 1,973.35 |

| | | |
|--------------------------------|----------|----------|
| Payment in full to J. H. Ka- | | |
| mio for land at Kipahulu, | | |
| taken for road purposes . . . | 125.00 | |
| Payment to Opumomona, for | | |
| land at Keauhou, N. Kona, | | |
| taken by the Government.. | 100.00 | |
| Payment to Mrs. Chas. Not- | | |
| ley, for land at Kukui Street, | | |
| Honolulu, taken by the Gov- | | |
| ernment | 1,250.00 | 1,475.00 |

DEPARTMENT OF PUBLIC INSTRUCTION.

School Supplies.

1905.

| | | |
|--------------------------------|--|-----|
| May 23 David Haughs, Bill..... | | .25 |
|--------------------------------|--|-----|

Stationery and Incidentals.

| | | |
|--|-------|--------|
| June 6 Geo. Smith, Bill | 2.00 | |
| June 19 Smith & Lewis, Agents, Bill | 25.00 | |
| June 30 Bulletin Publishing Co., Bill | 21.00 | |
| June 30 Sanitary Steam Laundry, Bill | 1.50 | |
| June 30 Mrs. A. S. Knudsen, Bill | 64.50 | 114.00 |
| | <hr/> | |

MISCELLANEOUS BILLS.

1904.

| | |
|--|-------|
| May 31 H. Manase, Bill..... | 6.00 |
| Dec. 28 Paradise of the Pacif- ic, Bill | 88.00 |
| Feb. 10 S. Hirata, Bill | 2.50 |
| Apr. 17 L. Akaka, Bill | 3.30 |
| Apr. 18 Allen & Robinson, Bill | 21.00 |
| June 6 | |
| Bulletin Publishing Co., Bill | 3.00 |
| Bulletin Publishing Co., Bill | 8.00 |
| Mutual Telephone Co., rent telephone Governor's Of- fice | 28.00 |
| Mutual Telephone Co., rent | |
| National Guard telephone | 60.00 |

| | | |
|---|----------|----------|
| Mutual Telephone, rent National Guard Drill Shed | 72.00 | |
| Mutual Telephone Co., rent telephone Pilot's Office. | 24.00 | |
| Mutual Telephone Co., rent telephone Harbor Master's Office | 12.00 | |
| Mutual Telephone Co., rent telephone, Kaimuki Pumping Station | 12.00 | |
| Mutual Telephone Co., rent telephone Government Nursery | 24.00 | |
| June 16 Bulletin Publishing Co., Bill | 3.00 | |
| June 13 Bulletin Publishing Co., Bill | 7.00 | |
| April 11 | | |
| Porter Furniture Co., Bill. | 52.25 | |
| Reimbursing Jared G. Smith money advanced by him to complete Library and Laboratory Building, Federal Experiment Station. | 1,873.86 | 2,299.91 |

ATTORNEY GENERAL'S DEPARTMENT.

Incidentals.

1903.

| | |
|--|-------|
| John de Mello | 12.00 |
| John Gaspar | 24.00 |
| June 30 Mutual Telephone Co., Bill | 12.00 |

1904.

Mar. 30

| | |
|-----------------------------|-------|
| W. J. Yates, Bill | 19.00 |
| D. K. Kealohapauole, Bill. | 19.00 |
| Solomon Nahupu, Bill . . . | 19.00 |

1905.

Apr. W. H. Rice, Bill 7.50

Apr. I. I. S. N. Co., Bill.... 16.00

May 31 Mutual Telephone Co.,
Bill 36.00

June 30

I. I. S. N. Co., Bill 6.00

Wilder S. S. Co., Bill.... 17.00

Hawaiian Electric Light
Co., Bill 1.25

Guide Publishing Co., Bill 4.00

C. A. Doyle, Bill 125.00 317.75

HIGH SHERIFF'S DEPARTMENT.

Police Incidentals, General.

Oahu.

1904.

Dec. O. R. & L. Co. 12.80

1905.

May Inter-Island Steam Nav.
Co. 120.00

June

United Carriage Co. 39.50

Hawaiian Electric Co. ... 33.50

Hawaiian Electric Co. ... 4.20

Guy Owens Electric Co.... 4.20

Oahu R. & L. Co. 139.85

Oahu R. & L. Co.81

A. R. Rowatt, D. V. S.... 9.00

H. H. Williams 5.00

Wall, Nichols Co. 3.20

Wilder S. S. Co. 4.00

Wilder S. S. Co. 12.00 215.75

Hawaii.

| | | |
|---------------------------------|------|--|
| April Volcano Stables | 3.60 | |
|---------------------------------|------|--|

| | | |
|-------------------------------|-------|--|
| May Volcano Stables | 83.60 | |
|-------------------------------|-------|--|

June

| | | |
|--------------------------|--|--|
| Hawaii Herald Publishing | | |
|--------------------------|--|--|

| | | |
|-------------|------|--|
| Co. | 9.00 | |
|-------------|------|--|

| | | |
|-------------------------------|-------|--|
| Hilo Electric Light | 15.65 | |
|-------------------------------|-------|--|

| | | |
|----------------------------|------|-------|
| Kohala Telephone | 5.00 | 29.65 |
|----------------------------|------|-------|

| | | |
|------------------------|------|--|
| W. A. Fetter | 2.75 | |
|------------------------|------|--|

| | | |
|-----------------------|-------|--|
| Geo. Kaiser | 20.00 | |
|-----------------------|-------|--|

| | | |
|-----------------------------|-------|--|
| Murakami Kunitaro | 24.00 | |
|-----------------------------|-------|--|

| | | |
|---------------------------|------|--|
| Palm Restaurant | 1.75 | |
|---------------------------|------|--|

| | | |
|---------------------------|-----|--|
| John D. Kennedy | .50 | |
|---------------------------|-----|--|

| | | |
|-----------------------------|------|--|
| Volcano Stables Co. | 4.50 | |
|-----------------------------|------|--|

| | | |
|----------------------------|-------|--|
| Hilo Telephone Co. | 20.00 | |
|----------------------------|-------|--|

| | | |
|-----------------------|--|--|
| Hamakua and S. Kohala | | |
|-----------------------|--|--|

| | | |
|-----------------------|------|--|
| Telephone Co. | 5.00 | |
|-----------------------|------|--|

| | | |
|------------------------------|------|--|
| Kona-Kau Telephone | 7.00 | |
|------------------------------|------|--|

| | | |
|------------------------|-------|-------|
| R. G. Curtis | 12.50 | 98.00 |
|------------------------|-------|-------|

| | | |
|---------------------------|-------|--|
| Volcano Stables & Trans.. | 25.75 | |
|---------------------------|-------|--|

| | | |
|----------------------------|------|--|
| Malulani Stables | 3.00 | |
|----------------------------|------|--|

| | | |
|------------------------|-----|--|
| E. N. Holmes | .88 | |
|------------------------|-----|--|

| | | |
|---------------------------|------|--|
| Hilo Mercantile | 3.00 | |
|---------------------------|------|--|

| | | |
|--------------------------|-------|--|
| John C. Searle | 11.50 | |
|--------------------------|-------|--|

| | | |
|---------------------------|------|--|
| Wall, Nichols Co. | 8.30 | |
|---------------------------|------|--|

| | | |
|-------------------------|------|--|
| Kim Moon Sung | 7.00 | |
|-------------------------|------|--|

| | | |
|----------------------------|------|--|
| Bulletin Publishing Co.... | 1.50 | |
|----------------------------|------|--|

| | | |
|--------------------------|-----|--|
| Inada Wasaburo | .50 | |
|--------------------------|-----|--|

| | | |
|-------------------------|--|--|
| Hilo Tribune Publishing | | |
|-------------------------|--|--|

| | | |
|-------------|------|--|
| Co. | 4.00 | |
|-------------|------|--|

| | | |
|-------------------|------|--|
| E. Fuhr | 1.50 | |
|-------------------|------|--|

| | | |
|--------------------------|--|--|
| Hawaii Herald Publishing | | |
|--------------------------|--|--|

| | | |
|-------------|------|--|
| Co. | 7.75 | |
|-------------|------|--|

| | | | |
|------------------------|------|-------|--------|
| City Stables | 2.00 | | |
| Hilo Drug Co. | .40 | 77.08 | 291.93 |
| | | <hr/> | |

Kauai.

| | |
|----------------------------|-------|
| June Kauai Telephone Co... | 67.50 |
|----------------------------|-------|

Maui.

1905.

Feb.

| | | |
|------------------------|-------|-------|
| John Brown | 17.75 | |
| Maui Stables | 7.00 | 24.75 |
| | | <hr/> |

Apr.

| | | |
|----------------------------|-------|-------|
| Pioneer & Lahaina Stables. | 4.00 | |
| Ralph Turner | 14.00 | 18.00 |
| | | <hr/> |

May

| | | |
|---------------------------|-------|-------|
| Lahaina Store | 3.80 | |
| Dr. T. Ninomiya | 24.00 | |
| G. G. Seong | 2.10 | 29.90 |
| | | <hr/> |

| | | |
|-------------------------------|--------|--|
| G. G. Seong (Riot) | 17.45 | |
| Bismark Stables (Riot) .. | 62.00 | |
| Iao Stables (Riot) | 109.00 | |
| V. A. Vetlesen (Riot) | 30.45 | |
| A. Enos (Riot) | 79.10 | |
| Hoffman & Weight (Riot) | 3.60 | |
| Maui Stables (Riot) | 65.00 | |
| Murashige (Riot) | 15.50 | |
| K. Sasao (Riot) | 1.50 | |
| Goo Lip (Riot) | 22.50 | |
| Pioneer & Lahaina Stables | | |
| (Riot) | 32.50 | |
| Len Wai & Co. (Riot).... | 22.25 | |
| Yee Chong (Riot) | 16.50 | |

| | | | |
|-----------------------------|--------|----------|----------|
| Bismark Stables (Riot) .. | 42.25 | | |
| Kahului Store (Riot) | 109.75 | 629.35 | |
| <hr/> | | | |
| Reimburse Pioneer Mill Co. | | | |
| expenses incurred during | | | |
| Strike of Japanese at Pi- | | | |
| oneer Mill, May, 1905.. | | 1,542.13 | |
| June | | | |
| Dr. T. Ninomiya | 25.00 | | |
| Bulletin Publishing Co. . . | 4.00 | 29.00 | |
| <hr/> | | | |
| Bismark Stables | 6.25 | | |
| N. Nichols | 3.75 | | |
| Wailuku P. O. | 3.00 | | |
| Iao Stables | 8.50 | | |
| G. G. Seong | 8.20 | | |
| Pioneer and Lahaina Sta- | | | |
| bles Co. | 1.50 | | |
| Bismark Stables | 22.50 | | |
| Pioneer & Lahaina Stables | | | |
| Co. | 16.50 | | |
| Pioneer Hotel Co. | 2.00 | 72.20 | 2,345.33 |
| <hr/> | | | |

EXPENSES OF WITNESSES IN CRIMINAL CASES.

Oahu.

1905.

| | | |
|-----------------------------|-------|-------|
| Feb. Oahu R. & L. Co. | 1.80 | |
| March Oahu R. & L. Co. | 18.00 | |
| June Wilder S. S. Co. | 20.75 | |
| June Wilder S. S. Co. | 47.00 | 67.75 |
| <hr/> | | |

Hawaii.

| | | | |
|------------------------------|-------|-------|--------|
| May Volcano Stables & Trans- | | | |
| portation | 59.00 | 59.00 | 146.55 |
| <hr/> | | | |

SUPPORT AND MAINTENANCE OF PRISONERS.

Hawaii.

1905.

June

| | | |
|--|--------|--------|
| The Waipic Limalau, Ltd. | 61.80 | |
| Malulani Stables | 15.00 | |
| Hilo Telephone Co. | 4.00 | |
| Hamakua & S. Kohala Tele- phone Co. | 5.00 | 85.80 |
| <hr/> | | |
| Hilo Electric Light Co.... | 14.30 | |
| S. Tong Sing | .90 | |
| J. H. Makino | 5.75 | |
| Hilo Mercantile Co. | 52.40 | |
| H. Hackfeld & Co. (Hilo). | 115.55 | |
| T. H. Davies & Co. (Hilo). | 22.11 | |
| Hilo Market Co. | 98.10 | |
| Hoffschlaeger Co. | 6.30 | |
| Puumaile Hog Ranch | 40.68 | |
| L. A. Andrews | 5.80 | |
| Ah Kee | 2.00 | |
| Mana Stables | 21.50 | |
| California Stock & Dairy Co. | 4.50 | |
| Hilo Drug Co. | 27.35 | 417.24 |

Maui.

1905.

May S. Keliinoi 37.25

June

| | |
|----------------------------|-------|
| Bismark Stables | 3.25 |
| Kahului Store | 50.18 |
| Maui Stables | 6.00 |
| Hoffman & Weight | 22.80 |

| | | | |
|--------------------------|-------|--|--------|
| S. Keliinoi | 39.25 | | |
| Iao Stables | 4.75 | | |
| A. Enos | 32.40 | | |
| Sol. I. Akau | 2.45 | | |
| Wailuku Market | 60.54 | | 221.62 |

Kauai.

1905.

April James K. Kula 6.40

June

| | | | |
|-----------------------------|-------|--------|--------|
| W. H. Rice | 36.00 | | |
| Lihue Store | 40.50 | | |
| Kauai Telephone Co. | 5.00 | | |
| Awa | 19.50 | | |
| James K. Kula | 3.00 | | |
| James W. Bush | 10.00 | | |
| Makee Sugar Co. | 6.00 | 120.00 | 888.31 |

PAY OF POLICE, MAUI.

1905.

| | | | |
|-------------------------------|-------|--|-------|
| May James Keao | 10.00 | | |
| May K. Kepakuhia | 6.00 | | |
| May M. P. Lechandro | 2.00 | | 18.00 |

JUDICIARY.

1905.

Feb. I. I. S. N. Co., Bill. 20.00

BOARD OF HEALTH.

| | | |
|---|-------------|--------|
| June 30 Estate of B. P. Bishop, Rent of Ground for Quarantine Station and Kapiolani Girls' Home | 150.00 | 150.00 |
| Total | \$16,828.62 | |

SECTION 2. The Auditor shall not issue warrants in payment of any of the above amounts, unless receipts in full are filed therefor, and the same are approved by the head of the Department under which the items are inserted.

SECTION 3. This Act shall take effect from and after the date of its approval.

WE HEREBY CERTIFY that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the House of Representatives of the Territory of Hawaii, this 1st day of May, A. D. 1907.

H. L. HOLSTEIN,
Speaker House of Representatives.

JOHN H. WISE,
Clerk, House of Representatives.

WE HEREBY CERTIFY that the foregoing Bill, after reconsideration on the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-third's vote of all of the elective members of the Senate of the Territory of Hawaii this 1st day of May, A. D. 1907.

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

JOINT RESOLUTION NO. 1.

Be it resolved by the Legislature of the Territory of Hawaii that the Governor of the Territory shall, as soon as practicable after the approval of this Resolution, appoint a Commission of three members, who shall be experienced and competent persons, to be known as the Tax Commission, which Commission shall thoroughly examine and investigate the tax laws of this Territory and consider their legal operation and effect, the manner of their enforcement, and general adaptability with respect to existing conditions, and consider ways and means for the revision and improvement of said laws as they shall deem necessary or advisable. They may, in their discretion, employ legal counsel to assist them in their work. Said Commissioners shall each receive two hundred and fifty dollars for his services; and the sum of one thousand dollars be made available for the expenses of such Commission; and the Commission shall make report of their work to the Governor not later than July 1, 1908, with their recommendations pertaining thereto, together with some bill or bills for the effectuation of such recommendations.

Approved this 27th day of March, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, T. H., February 28th, 1907.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the Senate of the Territory of Hawaii on the 28th day of February, 1907.

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES,
Honolulu, T. H., March 15th, 1907.

We hereby certify that the foregoing Joint Resolution passed Third Reading in the House of Representatives of the Territory of Hawaii on the 15th day of March, 1907.

H. L. HOLSTEIN,
Speaker.

JNO. H. WISE,
Clerk.

JOINT RESOLUTION NO. 2.

WHEREAS, Mr. L. E. Pinkham, President of the Board of Health of the Territory of Hawaii, has reported to said Board that a large portion of the Waikiki District in Honolulu is "deleterious to public health, is low, covered, or partly covered with water, is not drained at all, and is in an unsanitary and dangerous condition," and

WHEREAS it appears to be for the best interests of the people of the Territory of Hawaii that some action should be taken for the purpose of investigating the condition of said Waikiki District and devising some method by which the same may be reclaimed and rendered sanitary;

NOW, THEREFORE, BE IT RESOLVED, by the Senate and House of Representatives of the Territory of Hawaii that a Commission of three competent persons shall be appointed by the Governor to be known as "The Waikiki Reclamation Commission." The Commission so appointed shall have the power to enter upon all premises within the Waikiki District which

in the opinion of the Board of Health are in the condition described in Section 1025 of the Revised Laws of Hawaii, for the purpose of making surveys and doing such other work as may be necessary to determine the best method to be used in reclaiming said lands and placing them in a sanitary condition; said Commission shall have the power to establish the location of streets, roads, bridges, drainage canals, ditches, and other conduits for water and fix the grades thereof; said Commission with the approval of the Superintendent of Public Works of the Territory of Hawaii shall file a map in the office of the Registrar of Conveyances showing the location of said streets, roads, bridges, drainage canals, ditches, and other conduits for water and the grades fixed for the same; said map shall constitute a notice to all property holders affected thereby that the proposed improvement and reclamation of the lands designated on said map are to be undertaken as thereon delineated; said Commission shall receive such assistance as may be rendered, consistent with other duties, by employees of the Department of the Superintendent of Public Works and the Surveyor of the Territory; said Commission shall make a report to the Legislature of the Territory for the Session of A. D. 1909.

Approved this 17th day of April, A. D. 1907.

G. R. CARTER,
Governor of the Territory of Hawaii.

THE HOUSE OF REPRESENTATIVES
OF THE TERRITORY OF HAWAII,
Honolulu, T. H., April 2nd, 1907.

WE HEREBY CERTIFY that the foregoing Joint Resolution this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker, House of Representatives.

JOHN H. WISE,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, T. H., April 8th, 1907.

WE HEREBY CERTIFY that the foregoing Joint Resolution
this day passed Third Reading in the Senate of the Territory
of Hawaii.

E. F. BISHOP,
President of the Senate.

WILLIAM SAVIDGE,
Clerk of the Senate.

GENERAL INDEX

A

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| | |
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